

# FEDERAL REGISTER



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## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 181]

#### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

§ 914.481 Navel Orange Regulation 181.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons

were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 21, 1960.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 24, 1960, and ending at 12:01 a.m., P.s.t., January 31, 1960, are hereby fixed as follows:

- (i) District 1: 650,000 cartons;
  - (ii) District 2: 400,000 cartons;
  - (iii) District 3: Unlimited movement;
  - (iv) District 4: Unlimited movement.
- (2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 22, 1960.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 60-787; Filed, Jan. 22, 1960; 11:17 a.m.]

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[Lemon Reg. 830]

**PART 953 — LEMONS GROWN IN CALIFORNIA AND ARIZONA****Limitation of Handling****§ 953.937 Lemon Regulation 830.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 20, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 24, 1960, and ending at 12:01 a.m., P.s.t., January 31, 1960, are hereby fixed as follows:

(i) District 1: 9,300 cartons;

(ii) District 2: 130,200 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 21, 1960.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service.

[F.R. Doc. 60-768; Filed, Jan. 22, 1960;  
9:01 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

#### PART 101—PRESUMPTION OF LAWFUL ADMISSION

Subparagraph (2) of paragraph (e) *Chinese and Japanese aliens* of § 101.1 is amended, so that when taken with the introductory material, it will read as follows:

##### § 101.1 Presumption of lawful admission.

A member of the following classes shall be presumed to have been lawfully admitted for permanent residence even though a record of his admission cannot be found, except as otherwise provided in this section, unless he abandoned his lawful permanent resident status or subsequently lost that status by operation of law:

(e) *Chinese and Japanese aliens.* \* \* \*

(2) *On or after July 1, 1924.* A Chinese alien for whom there exists a record of his admission to the United States as a member of one of the following classes; an alien who establishes that he was readmitted between July 1, 1924, and December 16, 1943, inclusive, as a returning Chinese laborer who acquired lawful permanent residence prior to July 1, 1924; a person erroneously admitted between July 1, 1924, and June 6, 1927, inclusive, as a United States citizen under section 1993 of the Revised Statutes of the United States, as amended, his father not having resided in the United States prior to his birth; an alien admitted at any time after June 30, 1924, under section 4 (b) or (d) of the Immigration Act of 1924; an alien wife of a United States citizen admitted between June 13, 1930, and December 16, 1943, inclusive, under section 4(a) of the Immigration Act of 1924; an alien

admitted on or after December 17, 1943, under section 4(f) of the Immigration Act of 1924; an alien admitted on or after December 17, 1943, under section 317(c) of the Nationality Act of 1940, as amended; an alien admitted on or after December 17, 1943, as a preference or nonpreference quota immigrant pursuant to section 2 of that act; and a Chinese or Japanese alien admitted to the United States between July 1, 1924, and December 23, 1952, both dates inclusive, as the wife or minor son or daughter of a treaty merchant admitted before July 1, 1924, if the husband-father was lawfully admitted to the United States as a treaty merchant before July 1, 1924, or, while maintaining another status under which he was admitted before that date, had his status changed to that of a treaty merchant or treaty trader after that date, and was maintaining the changed status at the time his wife or minor son or daughter entered the United States.

#### PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

##### § 103.1 [Amendment]

1. Subparagraph (2) *Deputy Associate Commissioner, Travel Control* of paragraph (a) *Associate Commissioner, Operations* of § 103.1 *Delegations of authority* is amended in the following respects:

a. Subdivision (i) is amended to read as follows:

(i) *Assistant Commissioner, Examinations.* The authorization and inspection activities of the Service.

b. Subdivision (iii) *Assistant Commissioner, Inspections* is revoked.

2. Section 103.4 is amended to read as follows:

##### § 103.4 Certifications.

The Commissioner, regional commissioners, associate commissioners, deputy associate commissioners, and assistant commissioners within their respective areas of responsibility, may direct that any case or class of cases be certified for decision. The alien or other party affected shall be given notice on Form I-290c of such certification and of his right to submit a brief within 10 days from receipt of the notice. Cases within the appellate jurisdiction of the Service shall be certified only after an initial decision has been made. In cases within § 3.1(b) of this chapter, the decision of the officer to whom certified, whether made initially or upon review, shall constitute the base decision of the Service from which an appeal may be taken to the Board in accordance with the applicable parts of this chapter.

##### § 103.5 [Amendment]

3. Section 103.5 *Reopening or reconsideration* is amended in the following respects:

a. The designation "(a)" and headnote "*General*" are deleted.

b. The second sentence is amended to read as follows: "When the alien is the

moving party, a motion to reopen or a motion to reconsider shall be filed in duplicate, accompanied by a supporting brief, if any, and the appropriate fee specified by and remitted in accordance with the provisions of § 103.7, with the district director in whose district the proceeding was conducted for transmittal to the officer having jurisdiction."

## **PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE**

### **§ 212.4 [Amendment]**

The cross reference which follows the first sentence in § 212.4 *Applications for the exercise of discretion under section 212(d)(3)* is amended to read as follows: "(For Department of State procedure when a visa is required, see 22 CFR 41.95.)".

## **PART 214—NONIMMIGRANT CLASSES**

Paragraph (f) of § 214.2 is amended to read as follows:

### **§ 214.2 Special requirements for admission, extension, and maintenance of status.**

(f) *Students.* A student shall not be eligible for admission to the United States unless he presents Form I-20 properly filled out by the school to which he is destined and he personally executes the reverse of the form. Form I-20 presented by a student returning from a temporary absence may be retained by him and used for any number of reentries within six months from date of issuance. A student shall not be eligible for extension of stay unless he presents Form I-20 properly filled out by the school he is attending.

## **PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE**

Part 244 is amended to read as follows:

- Sec.  
244.1 Application.  
244.2 Extension of time to depart.

**AUTHORITY:** §§ 244.1 and 244.2 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 242, 244, 66 Stat. 208, 214; 8 U.S.C. 1252, 1254.

### **§ 244.1 Application.**

Pursuant to Part 242 of this chapter and section 244 of the Act, a special inquiry officer in his discretion may authorize the suspension of an alien's deportation, or authorize an alien to depart voluntarily from the United States in lieu of deportation if the alien establishes that he is willing and has the immediate means with which to depart promptly from the United States.

### **§ 244.2 Extension of time to depart.**

A request by an alien for an extension of time within which to depart volun-

tarily shall be filed with the district director having jurisdiction over the alien's place of residence. Written notice of the district director's decision shall be served upon the alien, and no appeal may be taken therefrom.

## **PART 287—FIELD OFFICERS; POWERS AND DUTIES**

Section 287.2 is amended to read as follows:

### **§ 287.2 Criminal violations; investigation and action.**

Whenever a district director or chief patrol inspector has reason to believe that there has been a violation punishable under any criminal provision of the laws administered or enforced by the Service, he shall cause an investigation to be made immediately of all the pertinent facts and circumstances and shall take or cause to be taken such further action as the results of such investigation warrant.

## **PART 299—IMMIGRATION FORMS**

### **§ 299.1 [Amendment]**

Section 299.1 *Prescribed forms* is amended by the deletion of the following form and reference thereto:

#### *Form No., Title and Description*

I-233 Application to Adjust Immigration Status under section 6 of the Refugee Relief Act of 1953.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the *FEDERAL REGISTER*. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which are editorial in nature or relieve restrictions, relate to agency procedure and management.

Dated: January 19, 1960.

J. M. SWING,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 60-695; Filed, Jan. 22, 1960; 8:50 a.m.]

# **Title 14—AERONAUTICS AND SPACE**

## **Chapter III—Federal Aviation Agency**

### **SUBCHAPTER E—AIR NAVIGATION REGULATIONS**

[Airspace Docket No. 59-WA-20; Amdt. 117]

## **PART 600—DESIGNATION OF FEDERAL AIRWAYS**

### **Modification**

The purpose of this amendment to § 600.6006 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 6 between Sel-

insgrove, Pa., and Allentown, Pa., and also the segment between Solberg, N.J., and the intersection of the Solberg VOR 106° radial and the direct radial between the Idlewild, N.Y., VORTAC and the Coyle, N.J., VOR.

VOR Federal airway No. 6 presently extends from Oakland, Calif., to New York, N.Y. The modification of this airway segment between Selinsgrove and Allentown via the intersection of the Selinsgrove VOR 083° and the Tower City, Pa., VOR 040° radials will provide lateral separation with VOR Federal airway No. 232 and permit simultaneous use at the same altitudes. The realignment of the segment of Victor 6 between the Solberg VOR and the Idlewild VORTAC will serve as an inbound route to the Newark, N.J., radio range holding pattern for aircraft enroute to La Guardia Airport. In addition, the holding pattern will not overlap the New Brunswick intersection holding pattern thereby permitting simultaneous use at the same altitudes. This action will result in the segment of Victor 6 between Selinsgrove and Allentown being designated from the Selinsgrove VOR via the intersection of the Selinsgrove VOR 083° and the Tower City VOR 040° radials to the Allentown VOR. The segment of Victor 6 between the Solberg VOR and the Idlewild VORTAC will be designated direct station to station. The control areas associated with Victor 6 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of Section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6006 (14 CFR 1958 Supp., 600.6006, 23 F.R. 10337; 24 F.R. 1281, 2227) is amended as follows:

In the text of § 600.6006 *VOR Federal airway No. 6 (Oakland, Calif., to New York, N.Y.)*, delete "point of intersection of the Selinsgrove omnirange 077° True and the Williamsport, Pa., omnirange 146° True radials; Allentown, Pa., VOR; Solberg, N.J., VOR; to the point of INT of the Solberg VOR 106° radial with the Idlewild, N.Y., VOR direct radial to the Coyle, N.J., VOR." and substitute therefor "INT of the Selinsgrove VOR 083° and the Tower City, Pa., VOR 040° radials; Allentown, Pa., VOR; Solberg, N.J., VOR; to the Idlewild, N.Y., VORTAC."

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t., March 10, 1960.

Issued in Washington, D.C., on January 18, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-683; Filed, Jan. 22, 1960;  
8:46 a.m.]

[Airspace Docket No. 59-FW-12]

[Amdt. 196]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 216]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

#### Revocation of Segments of Federal Airway, Associated Control Areas and Reporting Points

On October 21, 1959, a Notice of Proposed Rule-Making was published in the *FEDERAL REGISTER* (24 F.R. 8504) stating that the Federal Aviation Agency was proposing to revoke the segments of Amber Federal airway No. 6 from Jacksonville, Fla., to Alma, Ga., and from Akron, Ohio, to Parkman, Ohio, and their associated reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the notice, the proposed amendments are hereby adopted without change and set forth below:

1. Section 600.106 *Amber Federal airway No. 6 (Jacksonville, Fla., to United States-Canadian Border)*.

(a) In the caption, delete "(Jacksonville, Fla., to United States-Canadian Border)" and substitute therefor "(Nashville, Tenn., to Columbus, Ohio, and Parkman, Ohio, to United States-Canadian Border)".

(b) In the text, delete "From the Jacksonville, Fla., RR to the Alma, Ga., RR."

(c) In the text, delete "From the Akron, Ohio, RR via the intersection of the north course of the Akron RR and the east course of the Cleveland, Ohio, RR; Perry, Ohio, RBN" and substitute therefor "From the INT of the E course of the Cleveland, Ohio, RR and a line bearing 204° from the Perry, Ohio, RBN via the Perry RBN".

2. In the caption of § 601.106 *Amber Federal airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border)*, delete "(Jacksonville, Fla., to United States-Canadian Border)" and substitute therefor "(Nashville, Tenn., to

Columbus, Ohio, and Parkman, Ohio, to United States-Canadian Border)".

3. Section 601.4106 *Amber Federal airway No. 6 (Jacksonville, Fla., to United States-Canadian Border)*.

(a) In the caption, delete "(Jacksonville, Fla., to United States-Canadian Border)" and substitute therefor "(Nashville, Tenn., to Columbus, Ohio, and Parkman, Ohio, to United States-Canadian Border)".

(b) In the text, delete "Jacksonville, Fla., radio range station; Alma, Ga., radio range station;"

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t. March 10, 1960.

Issued in Washington, D.C., on January 18, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-680; Filed, Jan. 22, 1960;  
8:46 a.m.]

[Airspace Docket No. 59-WA-110]

[Amdt. 108]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 130]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

#### Modification

On August 25, 1959, a Notice of Proposed Rule-Making was published in the *FEDERAL REGISTER* (24 F.R. 6876) stating that the Federal Aviation Agency was considering an amendment to §§ 600.6443 and 601.6443 of the regulations of the Administrator by designating an east alternate to VOR Federal airway No. 443 between Tiverton, Ohio, and Cleveland, Ohio.

As stated in the Notice, Victor 443 presently extends from Glen Dale, W. Va., to Cleveland, Ohio. The Federal Aviation Agency is modifying the Tiverton to Cleveland segment of Victor 443 by designating an east alternate via the intersection of the Tiverton VOR 017° and the Cleveland VOR 138° radials. This modification will establish an additional route for aircraft departing the Cleveland terminal area destined for southern terminals.

No adverse comment was received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530)

§ 600.6443 (24 F.R. 1285) and § 601.6443 (24 F.R. 1287) are amended as follows:

1. Section 600.6443 is amended to read:

§ 600.6443 VOR Federal airway No. 443 (Glen Dale, W. Va., to Cleveland, Ohio).

From the point of INT of the Pittsburgh, Pa., VOR 244° and the Zanesville, Ohio, VOR 088° radials via the Newcomerstown, Ohio, VOR; Tiverton, Ohio, VOR; to the Cleveland, Ohio, VOR, including an E alternate via the INT of the Tiverton VOR 017° with the Cleveland VOR 138° radials.

2. Section 601.6443 is amended to read:

§ 601.6443 VOR Federal airway No. 443 control areas (Glen Dale, W. Va., to Cleveland, Ohio).

All of VOR Federal airway No. 443 including an E alternate.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t., March 10, 1960.

Issued in Washington, D.C., on January 18, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-681; Filed, Jan. 22, 1960;  
8:46 a.m.]

[Airspace Docket No. 59-WA-124]

[Amdt. 99]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 113]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

#### Modification of Federal Airway and Redesignation of Reporting Point

The purpose of these amendments to §§ 600.6035 and 601.7001 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 35 between Tri-City, Tenn., and Charleston, W. Va., and to redesignate the Paynesville, W. Va., intersection reporting point.

The segment of Victor 35 from Tri-City to Charleston is presently designated from Tri-City, via the point of intersection of the Pulaski, Va., VOR 285° and the Tri-City VOR 012° radials, to the Charleston VOR. The Federal Aviation Agency is modifying this segment of Victor 35 via an intermediate VOR to be commissioned on or about December 15, 1959, in the vicinity of Blackford, Va., at latitude 36°49'31" N., longitude 82°04'45" W., to provide more precise navigational guidance. The above coordinates correct those shown in Airspace Docket

No. 59-WA-125, published as a Notice of Proposed Rule-Making in the *FEDERAL REGISTER* of August 29, 1959 (24 F.R. 7042). Such action will result in this segment of Victor 35 being designated from the Tri-City VOR via the Blackford VOR to the Charleston VORTAC. The control areas associated with Victor 35 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary. Concurrently, to conform with this modification of Victor 35, the Paynesville intersection is being redesignated as the intersection of the Bluefield, W. Va., VOR 264° and the Blackford VOR 009° radials.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6035 (14 CFR, 1958 Supp., 600.6035, 23 F.R. 10338, 24 F.R. 702, 1285) and § 601.7001 (14 CFR 1958 Supp., 601.7001) are amended as follows:

1. In the text of § 600.6035 *VOR Federal airway No. 35 (Key West, Fla., to Syracuse, N.Y.)*, delete "point of INT of the Pulaski VOR 285° and the Tri-City VOR 012° radials; Charleston, W. Va., VOR;" and substitute therefor "Blackford, Va., VOR; Charleston, W. Va., VORTAC;"

2. In § 601.7001 *Domestic VOR reporting points*, Paynesville intersection is amended to read: "Paynesville intersection: The INT of the Bluefield, W. Va., VOR 264° and the Blackford, Va., VOR 009° radials".

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t. March 10, 1960.

Issued in Washington, D.C., on January 18, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-682; Filed, Jan. 22, 1960; 8:46 a.m.]

[Airspace Docket No. 59-LA-75; Amdt. 204]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

### Revocation of Reporting Points

The purpose of this amendment to § 601.7001 of the regulations of the Ad-

ministrator is to revoke the Butte, Montana, the Drummond, Montana, and the Sumatra, Montana, reporting points.

The Federal Aviation Agency no longer has a requirement for these reporting points for air traffic management.

Since this amendment reduces a burden on the public, compliance with the Notice, public procedure, and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.7001 (14 CFR 1958 Supp., 601.7001) is amended as follows:

In the text of § 601.7001 *Domestic VOR reporting points*, delete "Butte, Mont., omnirange station."; "Drummond, Mont., omnirange station."; "Sumatra Intersection: The intersection of the Miles City, Mont., omnirange 286° True and the Billings, Mont., omnirange 036° True radials.".

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

This amendment shall become effective 0001 e.s.t. March 10, 1960.

Issued in Washington, D.C., on January 18, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-679; Filed, Jan. 22, 1960; 8:46 a.m.]

[Airspace Docket No. 59-FW-61; Amdt. 28]

## PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Modification of Coded Jet Routes

The purpose of these amendments to §§ 602.102, 602.117, 602.121, 602.123 and 602.125 of the regulations of the Administrator is to reflect the conversion of the San Antonio, Texas, radio range station to a nondirectional radio beacon.

L/MF coded jet route Nos. 2, 17, 21, 23 and 25 are presently designated in part via the San Antonio radio range station. The Federal Aviation Agency is converting this radio range station to a nondirectional radio beacon on or about March 10, 1960. Therefore, it is necessary to delete the San Antonio radio range station and substitute the San Antonio nondirectional radio beacon in the descriptions of these airways. The alignment of the coded jet routes based on the San Antonio radio range station will not be affected by this change.

Since these amendments impose no additional burden on the public, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will

become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 602.102, 602.117, 602.121, 602.123, and 602.125 (14 CFR 1958 Supp., 602.102; 602.117; 602.121; 602.123, 24 F.R. 3875; 602.125) are amended as follows:

1. In the text of § 602.102 *L/MF jet route No. 2 (San Diego, Calif., to Jacksonville, Fla.)*, delete "San Antonio, Tex., RR;" and substitute therefor "San Antonio, Tex., RBN;"

2. In the text of § 602.117 *L/MF jet route No. 17 (San Antonio, Tex., to Rapid City, S. Dak.)*, delete "From the San Antonio, Tex., RR" and substitute therefor "From the San Antonio, Tex., RBN".

3. In the text of § 602.121 *L/MF jet route No. 21 (Laredo, Tex., to Duluth, Minn.)*, delete "via the San Antonio, Tex., RR;" and substitute therefor "via the San Antonio, Tex., RBN;"

4. In the text of § 602.123 *L/MF jet route No. 23 (Brownsville, Tex., to North Platte, Nebr.)*, delete "San Antonio, Tex., RR;" and substitute therefor "San Antonio, Tex., RBN;"

5. In the text of § 602.125 *L/MF jet route No. 25 (San Antonio, Tex., to Tulsa, Okla.)*, delete "From the San Antonio, Tex., RR" and substitute therefor "From the San Antonio, Tex., RBN".

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 18, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-678; Filed, Jan. 22, 1960; 8:46 a.m.]

[Reg. Docket No. 247; Amdt. 151]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

## 1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

## LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cordova VOR.....	MLI-LFR.....	Direct.....	2300	T-dn.....	300-1	300-1	200-1½
				C-dn.....	400-1	500-1	500-1½
				S-dn.....	400-1	500-1	500-1½
				A-dn.....	800-2	800-2	800-2

Procedure turn S side W crs, 265° Outbnd, 085° Inbnd, 2000' within 10 mi.

Minimum altitude over facility on final approach crs, 1300'.

Crs and distance, facility to airport, 040—2.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi, make left climbing turn and return to the MLI-LFR holding at 2200' within 20 mi on the W crs.

City, Davenport; State, Iowa; Airport Name, Municipal; Elev., 753'; Fac. Class., SBMRAZ; Ident., MLI; Procedure No. 1, Amdt. 4; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 3; Dated, 16 June 56

Indianapolis VOR.....	IND-LFR.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1½
				C-dn.....	400-1	500-1	500-1½
				S-dn-9.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Procedure turn S side of W crs, 250° Outbnd, 070° Inbnd, 2000' within 10 mi.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 072—2.9.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi, climb to 2000' on E crs IND-LFR and proceed to Greenfield Int, or as directed by ATC as follows:

1. Climb to 2200' on S crs of IND-LFR within 20 mi.

2. Climb on SW crs ILS to 2000'. Proceed to LOM.

Major Change: Deletes transition from Clayton FM. Clayton FM decommissioned 23 Oct. 59.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook Municipal; Elev., 760'; Fac. Class., SBRAZ; Ident., IND.; Procedure No. 1, Amdt. 10; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 9; Dated, 17 Oct. 59

Cordova VOR.....	MLI-LFR.....	Direct.....	2300	T-dn.....	300-1	300-1	200-1½
				C-dn.....	1000-2	1000-2	1000-2
				A-dn.....	1000-2	1000-2	1000-2

Procedure turn S side of W crs, 265° Outbnd, 085° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1600'.

Crs and distance, facility to airport, 140—9.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles of MLI-LFR, climb to 2600' on E crs within 20 miles.

CAUTION: Radio Tower 1068 MSL 6 miles NW of airport. Radio tower 1067' MSL 5 miles NE of airport. Radio tower 1310' MSL 7 miles NNE of airport.

City, Moline; State, Ill.; Airport Name, Quad City; Elev., 590'; Fac. Class., SBMRAZ; Ident., MLI; Procedure No. 1, Amdt. 6; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 5; Dated, 15 Apr. 54

Deep Creek FM.....	ORF-LFR (Final).....	045—8.2.....	1000	T-dn.....	300-1	300-1	200-1½
				C-dn.....	500-1	500-1	500-1½
				S-dn-4.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Procedure turn S side SW crs, 225° Outbnd, 045° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 1000'.

Crs and distance, facility to airport, 045—2.9.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, make climbing right turn to 1500' on SW crs within 10 miles.

CAUTION: Straight-in landing minimums do not provide standard clearance over 380' tower 1.7 mi SE of LFR.

City, Norfolk; State, Va.; Airport Name, Norfolk; Elev., 26'; Fac. Class., SBMRLZ; Ident., ORF; Procedure No. 1, Amdt. 5; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 4; Dated, 11 June 54

South Bend VOR.....	SBN-LFR.....	211—5.5.....	2000	T-dn.....	300-1	300-1	200-1½
				C-dn.....	500-1	500-1	500-1½
				S-dn-9 or 6.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Procedure turn N side W crs, 276° Outbnd, 096° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 075—2.9.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, climb to 2000' on E crs SBN-LFR within 20 miles, or if directed by ATC, make left climbing turn, climb to 2000' on N crs SBN-LFR within 20 miles.

Major Change: Deletes transition from New Carlisle FM. New Carlisle FM decommissioned 10/23/59.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778'; Fac. Class., SBMRAZ; Ident., SBN; Procedure No. 1, Amdt. 6; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 5; Dated, 24 Dec. 59

## RULES AND REGULATIONS

## 2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, herdings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CDR VOR.....	CDR "H".....	017°—18.9.....	5600	T-dn..... C-dn..... A-dn.....	300-1 700-1 800-2	300-1 700-1 800-2	200-1½ 700-1½ 800-2

Procedure turn W side of final approach crs—357° Outbnd, 177° Inbnd, 4600' within 10 miles.

Facility on airport. Minimum altitude over facility 4000'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile turn right climb to 4600' on course 357° within 20 miles.

City, Chadron; State, Nebr.; Airport Name, Chadron; Elev., 3312'; Fac. Class., HW (Non Federal Facility); Ident., CDR; Procedure No. 1, Amdt. 3; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 2; Dated, 2 Jan. 60

API VOR.....	LOM.....	Direct.....	2300	T-dn.....	300-1	300-1	200-1½
Elgin Int.....	LOM.....	Direct.....	2500	C-d.....	*500-1	500-1	500-1½
Lake Shore Int.....	LOM.....	Direct.....	2500	C-n.....	*500-1½	500-1½	500-1½
MDW LFR.....	LOM.....	Direct.....	2300	S-dn-13 R and L,*	500-1	500-1	500-1
CGT VOR.....	LOM.....	Direct.....	2300	A-dn.....	800-2	800-2	800-2
Surf Int.....	LOM.....	Direct.....	2500				
Gary Int.....	LOM.....	Direct.....	2300				
Big Run Int.....	LOM.....	Direct.....	2300				
Downers Grove Int.....	LOM.....	Direct.....	2300				
EDZ RBN.....	LOM.....	Direct.....	2300				
Hobart Int.....	EDZ RBN.....	Via R-108 API to Gary Int.	2000				

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3.0 miles from MDW LOM. Information for radar terminal area transition altitudes on Midway Radar Procedure.

Procedure turn West side of crs, 312° Outbnd, 132° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 1800'.

Crs and distance, facility to airport, 132°—5.1 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles of LOM, climb to 2000' and proceed via SE crs MDW LFR to Lansing Int\*\* or, when directed by ATC, climb to 2100' and proceed to Joliet LFR on crs. 235°.

\*400' minimums authorized provided descent below 1100' msl not made until past ADF bearing 020/200 MDW LFR.

\*\*Lansing Int: SE crs Chicago LFR and E crs Joliet LFR.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618'; Fac. Class., LOM; Ident., MD; Procedure No. 1, Amdt. 17; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 16; Dated, 4 Apr. 59

Joliet VOR.....	EDZ-RBN.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1½
Big Run Int.....	EDZ-RBN.....	Direct.....	2000	C-d.....	400-1	500-1	500-1½
API VOR.....	EDZ-RBN.....	Direct.....	2300	C-n.....	400-1½	500-1½	500-1½
Downers Grove Int.....	EDZ-RBN.....	Direct.....	2300	S-dn-31L, R.....	400-1	400-1	400-1
MDW LFR.....	EDZ-RBN.....	Direct.....	2300	A-dn.....	800-2	800-2	800-2
Lake Shore Int (LFR).....	EDZ-RBN.....	Direct.....	2500				
CGT VOR.....	EDZ-RBN.....	Direct.....	2000				
CGT VOR.....	EDZ-RBN (Final).....	Direct.....	1500				

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3.0 miles from EDZ-LOM. Information for radar terminal area transition altitudes on Midway Radar Procedure.

Procedure turn, E side of crs, 132° Outbnd, 312° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 313—3.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, make immediate left turn and climb to 2100', proceed to Joliet LFR on crs 235° or, as directed by ATC, make immediate left turn, climbing to 2300', proceed to Peotone VOR inbound on R-355.

Major Change: Deletes transition from Crib Int.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618'; Fac. Class., LOM; Ident., EDZ; Procedure No. 2, Amdt. 11; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 10; Dated, 21 Feb. 59

Detroit LFR.....	LOM.....	Direct.....	2300	T-dn.....	300-1	300-1	200-1½
Salem VOR.....	LOM.....	Direct.....	2300	C-d.....	400-1	500-1	500-1½
Milan Int.....	LOM.....	Direct.....	2300	S-dn-5R and L.....	400-1	400-1	400-1
Bridgewater VHF Int.....	LOM.....	Direct.....	2300	A-dn.....	800-2	800-2	800-2
Express Int*.....	LOM.....	Direct.....	2300				

Radar transitions to final approach crs authorized. Aircraft will be released without procedure turn when inbound on final approach crs at least 3 miles before reaching LOM.

Procedure turn West side of crs, 230° Outbnd, 050° Inbnd, 2300' within 10 mi.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 050°—5.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles of LOM, make left turn climb to 2500' to Salem VOR on R-170 or, when directed by ATC, (1) Climb to 2700' on back course ILS to Midcraft Int or, (2) Make right turn and climb to 2300', proceed direct to RML LFR.

Major Change: Deletes transition from Bridgewater LF Int.

\*Int of V133 and V90 (QG VOR R-264 and SVM VOR R-143).

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716'; Fac. Class., LOM; Ident., YI; Procedure No. 1, Amdt. 11; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 10; Dated, 7 Mar. 59

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
IND-VOR.....	LOM.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1½
IND-LFR.....	LOM.....	Direct.....	2000	C-dn.....	400-1	500-1	500-1½
				S-dn-4.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2000' within 10 miles of LOM.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 044°—3.9 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, climb to 2900' on E crs IND-LFR to Greenfield Int, or as directed by ATC:

1. Climb to 2200' on S crs IND-LFR within 20 miles.

2. Make left turn, climb to 2000' and proceed to LOM.

Major Change: Deletes transition from Clayton FM. Clayton FM decommissioned 10/23/59.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 796'; Fac. Class., LOM; Ident., IN; Procedure No. 1, Amdt. 3; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 2; Dated, 17 Oct. 59

Malibu Int.....	Trout Int* (Final).....	Direct.....	1500	T-dn.....	300-1	300-1	200-1½
				C-dn.....	500-1	500-1	500-1½
				S-dn-7R/L.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Procedure turn South side of crs, 248° Outbnd, 068° Inbnd, 2000' within 5.0 mi of Trout Int.

Minimum altitude over Trout Int\* on final approach crs, \*\*1500'.

Crs and distance, Trout Int\* to Runway 7R-L, 068°—5.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after crossing Trout Int\*, climb to 2000' on crs of 068° no farther east than Downey FM/RBn.

\*Trout Int: R-337 SXC-VOR and 068° brng to LAX LMM (Trout Int. may be determined by surveillance radar).

\*\*Descend to airport minimums after passing Trout Int\*.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126'; Fac. Class., LMM; Ident., AX; Procedure No. 2, Amdt. Orig.; Eff. Date, 6 Feb. 60

### 3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

#### VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Moline LFR.....	Cordova VOR.....	Direct.....	2100	T-dn.....	300-1	300-1	200-1½
Rockford LFR.....	Cordova VOR.....	Direct.....	2500	C-dn.....	500-1	500-1½	500-1½
				C-n.....	500-2	500-2	500-2
				S-n-32.....	500-1	500-1	500-1
				S-n-32.....	500-2	500-2	500-2
				A-dn.....	800-2	800-2	800-2

Procedure turn E side of crs, 154° Outbnd, 334° Inbnd, 1900' within 10 mi.

Minimum altitude over facility on final approach crs, 1400'.

Crs and distance, facility to airport, 334°—6.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 mi, make left climbing turn and return to the CVA-VOR at 1900'.

City, Clinton; State, Iowa; Airport Name, Municipal; Elev., 701'; Fac. Class., BVOR; Ident., CVA; Procedure No. 1, Amdt. 2; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 1; Dated, 16 June 56

Ft. Riley Int*.....	FRI TVOR.....	Direct.....	2800	T-dn.....	300-1	300-1	200-1½
				C-dn**.....	700-1	700-1	700-1½
				S-dn-4.....	700-1	700-1	700-1
				A-dn.....	1600-3	1600-3	1600-3

Procedure turn South side of crs, 213° Outbnd, 033° Inbnd, 2800' within 10 miles.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to Runway 4, 033°—6.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing TVOR, climb to 2800' on R-045 within 15 miles.

NOTE: Prior approval must be obtained from the Commanding Officer for use of this facility.

CAUTION: Restricted area R-197 adjacent to airport Northwest. Small arms firing range 2.4 miles North.

\*Ft. Riley Int: Int V-4 and R-320 EMP-VOR.

\*\*All circling approaches will be made to the East of the airport. See caution note.

City, Ft. Riley; State, Kans.; Airport Name, Marshall AAF; Elev., 1062'; Fac. Class., TVOR; Ident., FRI; Procedure No. 1, Amdt. Orig.; Eff. Date, 6 Feb. 60

## RULES AND REGULATIONS

## VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Oklahoma City LFR.....	OKC-VOR.....	Direct.....	2500	T-dn.....	300-1	300-1	200-1½
*Radar terminal area transition altitudes:		Within:		C-dn.....	600-1	600-1	600-1½
000.....	090.....	25 mi.....	2400	S-dn-12.....	600-1	600-1	600-1
090.....	180.....	25 mi.....	2500	A-dn.....	800-2	800-2	800-2
180.....	230.....	25 mi.....	2700				
230.....	295.....	25 mi.....	2500				
295#.....	360.....	25 mi.....	#2700				

Procedure turn S side crs, 277° Outbnd, 097° Inbnd, 2500' within 10 mi.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 097-8.1.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mi, climb to 2700' on R-097 within 20 miles.

Note: Distance from point of visual contact to airport, 2.1 miles.

\*Azimuths and distances are from antenna site progressing clockwise.

#Radar control must provide 3 mi and 1000' vertical separation; or 3 to 5 miles and 500' vertical separation from towers 2127' MSL and 2726' MSL 9 miles NW antenna site.

City, Oklahoma; State, Okla.; Airport Name, Will Rogers; Elev., 1284'; Fac. Class., BVOR; Ident., OKC; Procedure No. 1, Amdt. 4; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 3; Dated, 1 Nov. 58

Goshen LFR.....	SBN-VOR.....	Direct.....	2500	T-dn.....	300-1	300-1	200-1½
South Bend LFR.....	SBN-VOR.....	Direct.....	2000	C-dn.....	500-1	500-1	500-1½
N Liberty Int.....	SBN-VOR.....	Direct.....	2000	A-dn.....	800-2	900-2	800-2
Int W crs SBN LFR and 233 R SBN VOR.....	SBN-VOR.....	Direct.....	2000				
Int N crs SBN LFR and 350 R SBN VOR.....	SBN-VOR.....	Direct.....	1900				

Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 2100' within 10 miles.

Minimum altitude over facility on final approach crs, 1400'.

Crs and distance, facility to airport, 180-3.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, make right turn, climbing to 2000' and return to SBN VOR or when directed by ATC: (1) climb to 2000' on R-180 within 20 miles.

Major Change: Deletes transition from Union Int.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778'; Fac. Class., BVOR; Ident., SBN; Procedure No. 1, Amdt. 6; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 5; Dated, 24 May 58

#### 4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

##### TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Cellings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Norfolk LFR.....	ORF-VOR.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1½
Deep Creek FM.....	ORF-VOR.....	Direct.....	1500	C-dn*.....	500-1	500-1	500-1½
				S-dn*.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Procedure turn South side of crs, 228° Outbnd, 048° Inbnd, 1500' within 5 mi of LOM.

Minimum altitude over facility on final approach crs, 526'. Maintain at least 900' until passing ORF LFR

Crs and distance, breakoff point to approach end of runway, 044°-0.9 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ORF VOR, turn right and climb to 1500' on R-228 of ORF VOR within 10 miles.

\*If ORF LFR not received, minimums of 900-1 apply.

City, Norfolk; State, Va.; Airport Name, Norfolk; Elev., 26'; Fac. Class., BVOR; Ident., ORF; Procedure No. Ter VOR-4, Amdt. 1; Eff. Date, 6 Feb. 60; Sup. Amdt. No. Orig.; Dated 8 Aug. 59

## 5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Morton Int.....	Indian Int*.....	Via Radar vector..	2000	T-dn..... C-dn..... S-dn-32R..... A-dn.....	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Procedure turn Not Authorized. All maneuvering to ILS final approach crs of 318° I-OHA must be under ORD ASR control.

No Glide Slope, markers or compass locators.

Minimum altitude over Indian Int\* on final approach crs, 2000'.

Crs and distance, Indian Int\* to Runway, 318°—4.2 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi after passing Indian Int\*, make immediate right turn, climb to 2500' and proceed to OBK-VOR via OBK R-170 or, when directed by ATC, (1) climb to 3500', proceed to Spring Lake Int via ORD R-300; (2) climb to 2500', proceed to OHA LOM.

NOTES: Arrival radar at O'Hare and departure radar at Midway must be operative.

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbound approach crs, inbound to Indian Int. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.

\*Indian Int: Int R-051 API-VOR and SE crs ILS—I-OHA.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666'; Fac. Class., ILS; Ident., I-OHA; Procedure No. ILS-32R, Amdt. Orig.; Eff. Date, 6 Feb. 60

Detroit LFR.....	LOM.....	Direct.....	2300	T-dn*.....	300-1	300-1	200-½
Salem VOR.....	LOM.....	Direct.....	2300	C-dn.....	400-1	500-1	500-1½
Milan Int.....	LOM (Final).....	Direct.....	2300	S-dn-5R.....	200-½	200-½	200-½
Bridgewater VHF Int.....	LOM.....	Direct.....	2300	S-dn-5L.....	400-1	400-1	400-1
Express Int**.....	LOM.....	Direct.....	2300	A-dn.....	600-2	600-2	600-2

Radar transitions to final approach crs authorized. Aircraft will be released without procedure turn when inbound on final approach crs at least 3 mi before reaching LOM. Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 2300' within 10 miles.

Minimum altitude of G.S. int Inbnd, 2300'.

Altitude of G.S. and distance to approach end of rwy at OM, 2251'—5.0 mi; at MM, 932'—0.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left turn climb to 2500' to Salem VOR on R-170 or, when directed by ATC, (1) Climb to 2700' on back course ILS to Midcraft Int, or (2) Make right turn and climb to 2300', proceed direct to RML LFR.

Major Change: Deletes transition from Bridgewater LF Int.

\*Runway visual range 2500' also authorized for takeoff and landing on Runway 5R: Provided, that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 516' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

\*\*Int V133 and V90 (QG VOR R-264 and SVM VOR R-143).

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716'; Fac. Class., ILS; Ident., I-YIP; Procedure No. ILS-5R and L, Amdt. 11; Eff. Date, 8 Feb. 60; Sup. Amdt. No. 10; Dated, 7 Mar. 59

IND VOR.....	LOM.....	Direct.....	2000	T-dn.....	300-1	300-1	200-½
IND-LFR via crs 194 ILS.....	SW crs ILS.....	Direct.....	2000	C-dn.....	400-1	500-1	500-1½
Int E crs IND-LFR and NE crs ILS.....	LOM.....	Direct.....	2000	S-dn-4*.....	200-½	200-½	200-½
Int S crs IND-LFR and SW crs ILS.....	LOM.....	Direct.....	2000	A-dn.....	600-2	600-2	600-2
Int IND R-205 and SW crs ILS.....	LOM (Final).....	Direct.....	2000				
Radar terminal area transition altitudes—distances are from radar site and azimuths progress clockwise:							
120.....	260.....	20 mi.....	2000				
260.....	120.....	20 mi.....	#2300				

Procedure turn S side SW crs, 224° Outbnd, 044° Inbnd, 2000' within 10 mi of LOM.

Minimum altitude at G.S. int Inbnd, 1900'.

Altitude of G.S. and distance to appr end of rwy at OM 1900—3.9, at MM 980—0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2900' on E crs of IND-LFR to Greenfield Int or, as directed by ATC, (1) Climb to 2200' on S crs IND-LFR within 20 miles, (2) Make left turn, climb to 2000' and proceed to LOM.

Major Change: Deletes transition from Clayton FM. Clayton FM decommissioned 23 Oct 59.

\*300-¾ required when approach lights inoperative.

#Except 2800' within 3 mi of 1849' tower, 2800' within 3 mi of 1815' tower, and 2900' within 3 mi of 1852' TV tower NE and E of airport.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 790'; Fac. Class., ILS; Ident., IND; Procedure No. ILS-4, Amdt. 3; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 2; Dated, 17 Oct. 59

LAX RBn.....	LOM.....	Direct.....	2000	T-dn.....	300-1	300-1	200-½
La Habra Int.....	Downy FM-RBn.....	Direct.....	3000	C-dn.....	500-1	600-1	600-1½
LGB LFR.....	Downy FM-RBn.....	Direct.....	3000	S-dn-25R*.....	300-¾	300-¾	300-¾
LGB VOR.....	Downy RM-RBn.....	Direct.....	3000	A-dn.....	600-2	600-2	600-2
LGB LFR.....	LOM.....	Direct.....	2000				
LGB VOR.....	LOM.....	Direct.....	2000				
Hollywood Hills FM.....	LOM.....	Direct.....	3000				
LAX VOR.....	LOM.....	Direct.....	2000				

Radar vectoring to final approach crs authorized.

Procedure turn S side E crs, 068° Outbnd, 248° Inbnd, 2000' within 7.8 mi. of OM (E of Downy FM-RBn NA).

Minimum altitude at glide slope int Inbnd, 2000' (Aircraft will maintain 3000' until intercepting glide slope unless otherwise advised by ATC).

Altitude of glide slope and distance to approach end of runway at OM, 1830'—5.2 mi; at MM, 335'—0.5 mi. (OM and MM located 750' to left of runway centerline).

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on W crs LAX ILS within 20 mi.

NOTE: Narrow localizer course 4 degrees.

\*Crs and distance, OM to Rwy 25R, 249°—5.2 mi.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126'; Fac. Class., ILS; Ident., LAX; Procedure No. ILS-25R, Amdt. 20; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 19; Dated, 22 Oct. 59

## RULES AND REGULATIONS

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cordova VOR.....	Green River Int*.....	Direct.....	2100	T-dn.....	300-1	300-1	200-1½
Int R-202 CVA-VOR and E crs ILS.....	Green River Int*.....	Direct.....	2100	C-dn.....	600-1	600-1	600-1½
Moline LFR.....	Green River Int*.....	Direct.....	2300	S-dn-27.....	500-1	500-1	500-1
Polo VOR.....	Annawan Int**.....	Direct.....	2100	A-dn.....	800-2	800-2	800-2
Annawan Int.....	Green River Int* (Final).....	Direct.....	2100				

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2100' within 10 mi of Green River Int\*.

No glide slope or markers. Alt. over Green River Int\* on final, 1600'; brng and distance to Rny 27, 266°—4.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi after passing Green River Int\*, climb to 2000' and proceed to MLI-LOM.

\*Green River Int: Int R-195 CVA-VOR and E crs ILS.

City, Moline; State, Ill.; Airport Name, Quad City; Elev., 590'; Fac. Class., ILS; Ident., MLI; Procedure No. ILS-27, Amdt. 1; Eff. Date, 6 Feb. 60; Sup. Amdt. No. Orig.; Dated, 10 Mar. 56

LaGuardia LFR.....	RWC MHW.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1½
Port Chester FM.....	RWC MHW (Final).....	Direct.....	1500	C-dn.....	500-1	600-1	600-1½
Glen Cove MHW.....	RWC MHW.....	Direct.....	1500	S-dn-22.....	400-1	400-1	400-1
				A-dn.....	600-2	600-2	600-2

Radar vectors may be substituted for the above transitions.

Procedure turn W side NE crs, 044° Outbnd, 224° Inbnd, 1900' within 10 mi of New Rochelle MHW.

No glide slope or markers. Final approach altitudes and distances to Runway 22 from RWC MHW 1500', 7.7 mi; from LGA LFR 1000', 2.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 mi after passing LGA LFR, climb to 1500 on SW crs LGA ILS or LFR or (when directed by ATC) (2) climb to a higher altitude or (3) make a climbing left turn to 1500' return to RCW MHW, or (4) if unable to proceed from RWC MHW with 3 mi visibility and clear of all clouds make a climbing right turn to 1500' and return to RWC MHW holding pattern.

CAUTION: Standard clearance not provided over obstructions in circling area of airport.

Major Change: Deletes transition from Meadowbrook Int.

City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 29'; Fac. Class., ILS; Ident., LGA; Procedure No. ILS-22, Amdt. 8; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 7; Dated, 26 Dec. 59

Norfolk LFR.....	LOM.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1½
Int SW crs ILS and S crs Langley LFR.....	LOM.....	Direct.....	1500	C-dn.....	400-1	500-1	500-1½
Int SW crs Norfolk LFR and S crs Langley LFR.....	LOM (Final).....	Direct.....	1000	S-dn-4.....	200-1½	200-1½	200-1½
				A-dn.....	600-2	600-2	600-2

Procedure turn S side SW crs, 225° Outbnd, 045° Inbnd, 1500' within 5 mi of LOM.

Minimum altitude at G.S. int inbnd, 1500'.

Altitude of G.S. and distance to approach end of rny at OM 1050—3.6, at MM 220—0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1000' on crs of 045°, then right climbing turn to 1500', return to OM.

Major Change: ADF portion cancelled.

City, Norfolk; State, Va.; Airport Name, Norfolk; Elev., 26'; Fac. Class., ILS; Ident., ORK; Procedure No. ILS-4, Amdt. 5; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 4; Dated, 8 Feb. 54

Lakeville Int*.....	LOM.....	Direct.....	2500	T-dn.....	300-1	300-1	200-1½
South Bend LFR.....	LOM.....	Direct.....	2000	C-dn.....	500-1	500-1	500-1½
South Bend VOR.....	LOM.....	Direct.....	2000	S-dn 27.....			
Goshen LFR via crs 311 (ILS only).....	E crs ILS (ILS final).....	Direct.....	2200	ILS.....	200-1½	200-1½	200-1½
Goshen LFR (ADF transition).....	LOM.....	Direct.....	2500	ADF.....	500-1	500-1	500-1
Goshen VOR via R-333 (ILS only).....	E crs ILS (ILS Final).....	Direct.....	2500	A-dn.....			
Goshen VOR (ADF transition).....	LOM.....	Direct.....	2500	ILS.....	600-2	600-2	600-2
				ADF.....	800-2	800-2	800-2

Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 2000' within 10 mi.

Minimum altitude at glide slope int inbnd, 2000' ILS. Min. alt. inbnd final, 1500' ADF.

Altitude of glide slope and distance to approach end of runway at OM, 1900—3.8; at MM, 975—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, climb to 2100' on W crs SBN LFR or when directed by ATC:

(1) Make right climbing turn to 2100' on N crs SBN LFR.

(2) Make right turn, climb to 2000' on R-003 SBN.

Major Changes: Deletes transitions from New Carlisle FM, Union LFR Int and Union VOR Int. New Carlisle FM decommissioned 10/23/59.

\*Lakeville Int—Int R-170 SBN and R-270 GSH.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778'; Fac. Class., ILS-SBN; Ident., LOM-SB; Procedure No. ILS-27, Comb ILS-ADF, Amdt. 9; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 8; Dated, 24 May 58

## 6. The radar procedures prescribed in § 609.500 are amended to read in part:

## RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Radar terminal area transition altitudes:*				Surveillance Approach			
000-----	090-----	Within: 25 mi-----	2400	T-dn-----	300-1	300-1	200-1½
090-----	180-----	25 mi-----	2500	C-dn-----	400-1	500-1	500-1½
180-----	230-----	25 mi-----	2700	S-dn-17, 35-----	400-1	400-1	400-1
230-----	295-----	25 mi-----	2500	A-dn-----	800-2	800-2	800-2
295#-----	360-----	25 mi-----	#2700				

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:

Runway 17—climb to 2500' on 170° crs from Tulakes RBN or S crs ILS within 20 mi.

Runway 35—climb to 3100' on crs of 350° from LOM or N crs ILS within 20 mi or, when directed by ATO.

Runway 17, 35—proceed to VOR climbing to 2500' or climb to 2700' on E crs LFR within 20 mi.

\*Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

#Radar control must provide 3 miles and 1000' vertical separation; or 3 to 5 miles and 500' vertical separation from towers 2127' MSL and 2726' MSL 9 miles NW antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers Field; Elev., 1284'; Fac. Class., Oklahoma City; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 6 Feb. 60; Sup. Amdt. No. 1; Dated, 13 Sept. 58

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on January 19, 1960.

B. PUTNAM,

Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-732; Filed, Jan. 22, 1960; 10:04 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7546 c.o.]

#### PART 13—PROHIBITED TRADE PRACTICES

##### National Business Service

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*; 13.15-70 *Financing activities*; § 13.185 *Refunds, repairs, and replacements*; § 13.190 *Results*; § 13.205 *Scientific or other relevant facts*; § 13.225 *Services*.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended 15 U.S.C. 45) [Cease and desist order, Tom Vint trading as National Business Service, Sioux City, Iowa, Docket 7546, December 2, 1959]

*In the Matter of Tom Vint, an Individual Trading and Doing Business as National Business Service*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual in Sioux City, Iowa, with using deception to sell real estate advertising, including such false claims as that he had available prospective buyers for properties listed or advertised by him; that he would finance the sale of the listed property; that the property was underpriced and the asking price should be increased; that his services would result in sale of

the properties he listed or advertised; and that the advance fee would be refunded if the property was not sold.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 2, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondent Tom Vint, an individual trading and doing business as National Business Service, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, or sale of advertising in newspapers or other advertising media, or of other services or facilities in connection with the offering or listing for sale, selling, buying or exchanging of business or any other kind of property, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondent has available prospective buyers who are interested in the purchase of, and are financially able to purchase, the properties sought to be listed or advertised by him.

2. Respondent is able to and will finance the sale of said properties.

3. The property is underpriced by the owner or that the asking price should be increased.

4. Respondent has been successful in effecting the sale of the property of

others, except in rare instances, or that his services, except in rare instances, will result in the sale of the properties which he lists or advertises.

5. Respondent will refund all or part of the service fee if the property is not sold, unless such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 2, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-685; Filed, Jan. 22, 1960; 8:47 a.m.]

[Docket 7549 c.o.]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Midwest Communications School

Subpart—Advertising falsely or misleadingly: § 13.5 *Business status, advantages, or connections*; 13.15-30 *Connections or arrangements with others*; § 13.60 *Earnings and profits*; § 13.115 *Jobs and employment service*; § 13.143

**Opportunities; § 13.205 Scientific or other relevant facts.**

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, C. J. Spurgin et al. doing business as Midwest Communications School, Des Moines, Iowa, Docket 7549, December 2, 1959]

**In the Matter of C. J. Spurgin and W. G. Spurgin, Copartners Doing Business as Midwest Communications School**

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Des Moines, Iowa, correspondence school with using false employment offers and exaggerated earnings claims to sell its training course for positions as railroad station agents and telegraphers, including such claims as that job openings existed in numerous areas, and that it was a railroad company or affiliated with railroad companies; that an eighth grade education met its educational requirements; and that employment at starting salaries of from \$365 to \$475 monthly was guaranteed those accepted for training.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 2 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents C. J. Spurgin and W. G. Spurgin, individually and doing business under the name of Midwest Communications School, or under any other name, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study, training and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(1) Employment is being offered when, in fact, the purpose is to obtain purchasers of such courses of study, training and instruction;

(2) Positions of employment as railroad station agents or telegraphers are open to those who complete such courses;

(3) Respondents are a railroad company or are affiliated with a railroad company;

(4) Respondents' said courses qualify purchasers thereof to become railroad station agents or telegraphers on completion of said courses;

(5) An eighth grade education meets the educational requirement of railroad companies accepting applications from persons seeking employment as railroad station agents and telegraph operators, or otherwise misrepresenting educational requirements;

(6) Respondents guarantee employment to persons completing the said course;

(7) There is a great demand for graduates of respondents' school to fill positions of railroad station agent or telegrapher or otherwise misrepresenting the demand for such graduates;

(8) Respondents have a placement service or have placed graduates of their school in positions of employment;

(9) Graduates of respondents' school are qualified for positions of employment with starting salaries which are in excess of the starting salaries of positions for which such graduates are qualified, or otherwise misrepresenting the starting salaries of positions for which graduates of respondents' school are qualified.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 2, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-686; Filed, Jan. 22, 1960; 8:47 a.m.]

[Docket 7548 c.o.]

**PART 13—PROHIBITED TRADE PRACTICES****Kingsley Coats, Inc., et al.**

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: 13.155-45 Fictitious marking Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055-50 *Preticketing merchandise misleadingly*. Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing*.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Kingsley Coats, Inc., et al., New York, N.Y., Docket 7548, Dec. 8, 1959]

*In the Matter of Kingsley Coats, Inc., a Corporation, and Hyman Goldberg, Henry Goldberg, Charles Goldberg, Harry Goldberg, and Sidney Goldberg, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City manufacturers with engaging in fictitious pricing by mailing to retailers, card advertisements stating that a group of women's coats they were offering were exceptionally priced to sell at \$69 and regularly sold at retail for \$100 to \$119, with a covering letter stating that such coats, priced by them at \$38.75, were to retail at \$69.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 8 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That the respondents Kingsley Coats, Inc., a corporation, and its officers, and Hyman Goldberg, Henry Goldberg, Charles Goldberg, Harry Goldberg and Sidney Goldberg, individually and as officers of the corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of women's coats, or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Representing that certain prices are the customary or usual retail prices of merchandise when said prices are in excess of the prices at which said merchandise is customarily and usually sold at retail.

2. Furnishing any means or instrumentality to others by and through which they may mislead the public as to the usual and customary prices of respondents' products.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 8, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-687; Filed, Jan. 22, 1960; 8:48 a.m.]

[Docket 7520 c.o.]

**PART 13—PROHIBITED TRADE PRACTICES****Egan, Fickett & Co., Inc.**

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers*.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Egan, Fickett & Co., Inc., New York, N.Y., Docket 7520, Dec. 8, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City wholesale distributor of fresh fruits and vegetables with receiving and accepting commissions, etc., or lower net prices reflecting brokerage on substantial purchases of food products from various suppliers, including Minute Maid Corporation, for its own account for resale.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 8 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That the respondent Egan, Fickett & Co., Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or other food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or other food products for its own account, or where respondent is an agent, representative, or other intermediary acting for or on behalf of, or is subject to the direct or indirect control of any buyer.

By "Decision of the Commission," etc., report of compliance was required as follows:

*It is ordered,* That respondent Egan, Fickett & Co., Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: December 8, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-688; Filed, Jan. 22, 1960;  
8:48 a.m.]

[Docket 7519 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### D. L. Piazza Co.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, D. L. Piazza Co., Minneapolis, Minn., Docket 7519, Dec. 8, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Minneapolis broker of food products with violating section 2(c) of the Clayton Act by receiving and accepting brokerage from various packer principals, including Minute Maid Corporation, on purchases of citrus food products for its own account for resale.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 8 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That D. L. Piazza Co., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or other food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or other food products for its own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf of, or is subject to the direct or indirect control of, any such buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondent D. L. Piazza Co., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: December 8, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-689; Filed, Jan. 22, 1960;  
8:49 a.m.]

## Title 20—EMPLOYEES' BENEFITS

### Chapter II—Railroad Retirement Board

#### PART 217—MONTHS ANNUITIES NOT PAYABLE BY REASON OF WORK

#### PART 222—DEFINITION AND CREDITABILITY OF COMPENSATION

##### Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228(j)), the heading of Part 217 is amended as set forth above, and §§ 217.1 and 217.2 of Part 217 (20 CFR 217.1 and 217.2) and §§ 222.1 and 222.3(a) and (b) of Part 222 (20 CFR 222.1 and 222.3) of the regulations under such act are amended and §§ 217.3 and 217.4 are adopted by Board Order 60-2, dated January 8, 1960, to read as follows;

##### § 217.1 Statutory provisions.

No annuity shall be paid with respect to any month in which an individual in receipt of an annuity hereunder shall render compensated service to an employer or to the last person by whom he was employed prior to the date on which the annuity began to accrue. Individuals receiving annuities shall report to the Board immediately all such compensated service. No annuity under paragraph 4 or 5 of subsection (a) of this section shall be paid to an individual with respect to any month in which the individual is under age sixty-five and is

paid more than \$100 in earnings from employment or self-employment of any form: *Provided,* That for purposes of this paragraph, if a payment in any one calendar month is for accruals in more than one calendar month, such payment shall be deemed to have been paid in each of the months in which accrued to the extent accrued in such month. Any such individual under the age of sixty-five shall report to the Board any such payment of earnings for such employment or self-employment before receipt and acceptance of an annuity for the second month following the month of such payment. A deduction shall be imposed, with respect to any such individual who fails to make such report, in the annuity or annuities otherwise due the individual, in an amount equal to the amount of the annuity for each month in which he is paid such earnings in such employment or self-employment, except that the first deduction imposed pursuant to this sentence shall in no case exceed an amount equal to the amount of the annuity otherwise due for the first month with respect to which the deduction is imposed. If pursuant to the third sentence of this subsection an annuity was not paid to an individual with respect to one or more months in any calendar year, and it is subsequently established that the total amount of such individual's earnings during such year as determined in accordance with that sentence (but exclusive of earnings for services described in the first sentence of this subsection) did not exceed \$1,200, the annuity with respect to such month or months, and any deduction imposed by reason of the failure to report earnings for such month or months under the fifth sentence of this subsection, shall then be payable. If the total amount of such individual's earnings during such year (exclusive of earnings for services described in the first sentence of this subsection) is in excess of \$1,200, the number of months in such year with respect to which an annuity is not payable by reason of such third and fifth sentences shall not exceed one month for each \$100 of such excess, treating the last \$50 or more of such excess as \$100; and if the amount of the annuity has changed during such year, any payments of annuity which become payable solely by reason of the limitation contained in this sentence shall be made first with respect to the month or months for which the annuity is larger. (Section 2(d) of the act.)

##### § 217.2 Loss of annuity for month in which compensated services is rendered.

If an individual in receipt of an annuity renders compensated service, he shall not be paid an annuity with respect to any month in which such service is rendered to:

- (a) An employer;
- (b) Any person whether or not an employer by whom he was most recently employed when his annuity begins to accrue;
- (c) Any person with whom he held, at the time the annuity begins to accrue, any rights to return to service;
- (d) Any person with whom he ceased service in order to have his annuity begin to accrue.

##### § 217.3 Loss of disability annuity because of earnings and penalties.

(a) The annuity of an individual based upon either the disability described in § 208.7(a) (3) or (4) of this chapter shall not be paid with respect to any month in which the individual is under age 65 and earns more than \$100 in em-

ployment or self-employment of any form. Any such individual under the age of 65 shall report to the Board any such earnings from employment or self-employment before receipt and acceptance of an annuity for the second month following the month of such payment.

(b) If such report is not made in accordance with paragraph (a) of this section, a deduction equal to one month's annuity shall be imposed as a penalty for a first failure to report as required. For any subsequent failure, a penalty deduction shall be equal to the individual's annuity for the months in which he had excess earnings and for which his report was not timely.

**§ 217.4 Limit of loss of disability annuity because of earnings and penalties.**

(a) If an individual in receipt of a disability annuity has earnings of not more than \$1,200 in a calendar year after 1958 (exclusive of earnings from an employer and from the person by whom he was last employed), his annuities, if any, withheld during such year because of excess earnings or as penalties for failure to make timely report shall become payable to him. If such earnings of such individual are in excess of \$1,200 in such year, his loss of annuity in the year shall be limited to one month's annuity for each \$100 of the excess over \$1,200, treating the last \$50 or more of the excess as \$100.

(b) If an individual in receipt of a disability annuity has earnings of over \$100 in a calendar month of any calendar year after 1958 and fails to report such earnings before receiving the annuity payable to him for the second month following the month of such earnings, his penalties for failure to make timely report in such year shall be limited to an amount equal to not more than one month's annuity for each \$100 of earnings in excess of \$1,200 in such calendar year (exclusive of earnings from an employer and from the person by whom he was last employed), treating the last \$50 or more of such excess as \$100.

(c) Any annuities withheld in a calendar year after 1958 in excess of the amount provided by this section shall become payable at the end of the calendar year and shall be made first with respect to the month or months in such year for which the annuity is larger.

**§ 222.1 Statutory provisions.**

The term "compensation" means any form of money remuneration paid to an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of any tax now or hereafter imposed with respect to the compensation of such employee. For the purposes of determining monthly compensation and years of service and for the purposes of subsections (a), (c), and (d) of section 2 and subsection (a) of section 5 of this Act, compensation earned in the service of a local lodge or division of a railway-labor-organization em-

ployer shall be disregarded with respect to any calendar month if the amount thereof is less than \$3 and (1) such compensation is earned between December 31, 1936, and April 1, 1940, and taxes thereon pursuant to section 2(a) and 3(a) of the Carriers Taxing Act of 1937 or sections 1500 and 1520 of the Internal Revenue Code are not paid prior to July 1, 1940; or (2) such compensation is earned after March 31, 1940. A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8, the period during which such compensation will have been earned. In determining the monthly compensation, the average monthly remuneration, and quarters of coverage of any employee, there shall be attributable as compensation paid to him in each calendar month in which he is in military service creditable under section 4 the amount of \$160 in addition to the compensation, if any, paid to him with respect to such month.

\* \* \* In computing the monthly compensation, no part of any month's compensation in excess of \$300 for any month before July 1, 1954, or in excess of \$350 for any month after June 30, 1954, and before the calendar month [June 1959] next following the month in which this Act was amended in 1959 [May 1959], or in excess of \$400 for any month after the month in which this Act was so amended, shall be recognized. If the employee earned compensation in service after June 30, 1937, and after the last day of the calendar year in which he attained age sixty-five, such compensation and service shall be disregarded in computing the monthly compensation if the result of taking such compensation into account in such computation would be to diminish his annuity. If the "monthly compensation" computed under this subsection is not a multiple of \$1, it shall be rounded to the next lower multiple of \$1. (Section 3(c) of the act.)

**§ 222.3 Creditability of compensation.**

(a) *Maximum creditable compensation for one month.* In no case shall compensation in excess of \$300 for any month of service before July 1, 1954, or in excess of \$350 for any month of service after June 30, 1954, and before June 1, 1959, or in excess of \$400 for any month of service after May 31, 1959, be recognized.

(b) *Compensation dependent upon creditability of service.* All compensation paid to an individual for service creditable in accordance with § 220.3 of this chapter, including compensation received for service performed after age 65, or after the beginning date of an annuity, shall be credited: *Provided however,* That the crediting of such compensation shall be limited as prescribed in paragraph (a) of this section: *Provided further,* That if the individual earned compensation in service after June 30, 1937, and after the calendar year in which he attained age 65, such compensation shall be disregarded in computing the monthly compensation if the result of taking such compensation into account in such computation would be to diminish his annuity: *And provided further,* That if the monthly compensation based on compensation creditable under this section and as determined on or after September 6, 1958, under § 225.3 of this chapter is not a multiple of \$1, it shall be rounded to the next lower multiple of \$1.

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228 (j))

Dated: January 19, 1960.

By authority of the Board.

MARY B. LINKINS,  
Secretary of the Board.

[F.R. Doc. 60-697; Filed, Jan. 22, 1960;  
8:50 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### PART 9—COLOR CERTIFICATION

##### Further Postponement of Effective Date of Final Order Deleting Certain Coal-Tar Colors From List Subject to Certification

In the matter of deleting D&C Orange No. 5, D&C Orange No. 6, D&C Orange No. 7, D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, D&C Red No. 10, D&C Red No. 11, D&C Red No. 12, D&C Red No. 13, D&C Red No. 19, D&C Red No. 20, D&C Red No. 33, D&C Red No. 37, D&C Yellow No. 7, D&C Yellow No. 8, and D&C Yellow No. 9 from the list of coal-tar colors subject to certification and adding to the list of colors certifiable for external use only all the colors named except D&C Orange No. 6, D&C Orange No. 7, D&C Red No. 20, and D&C Yellow No. 9:

On October 6, 1959, a final order in this matter was published in the FEDERAL REGISTER (24 F.R. 8065) to become effective 90 days from the date of publication. On January 7, 1960, the effective date was postponed until January 25, 1960 (25 F.R. 110). The Commissioner has concluded that additional time is needed before ruling on the objections. Therefore, the effective date of the order is further postponed until February 1, 1960. By that date an order will be published acting upon the objections on file.

**Effective date.** This order shall be effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: January 19, 1960.

[SEAL] JOHN L. HARVEY,  
Deputy Commissioner  
of Food and Drugs.

[F.R. Doc. 60-690; Filed, Jan. 22, 1960;  
8:49 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### SUBCHAPTER I—MINERAL LANDS

[Circular 2035]

### PART 192—OIL AND GAS LEASES

#### Increase in Amount of Oil and Gas Lease Drilling Bond

On page 7834 of the FEDERAL REGISTER of September 29, 1959, there was published a notice of proposed amendment of 43 CFR 192.100(c) as a "Proposed Rule Making." Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment.

The comments and suggestions which were submitted within the 30-day period have not been adopted. Therefore, the proposed amended regulation is hereby approved without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

ELMER F. BENNETT,  
Acting Secretary of the Interior.

JANUARY 19, 1960.

Section 192.100(c) is amended to read as follows:

#### § 192.100 Amount of bonds required of lessee.

(c) All leases shall provide that where a \$10,000 bond is not already being maintained a general lease bond in the penal sum of \$10,000 conditioned upon compliance with all lease terms covering the entire leasehold, shall be furnished by the lessee prior to the beginning of drilling operations. An operator or, if there is more than one operator covering different portions of the lease, each operator may furnish a \$10,000 general lease bond in his own name as principal on the bond in lieu of the lessee. Where there are one or more operator's bond affecting a single lease, each such bond must be conditioned upon compliance with all lease terms for the entire leasehold. Where a bond is furnished by an operator, suit may be brought thereon without joining the lessee if he is not a party to the bond. An operator's bond will not be accepted unless the operator holds an operating agreement which has been approved by the Department or has pending an operating agreement in proper condition for approval. The mere designation as operator will not suffice.

[F.R. Doc. 60-691; Filed, Jan. 22, 1960;  
8:49 a.m.]

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2047]

[Arizona 020646]

### ARIZONA

#### Withdrawing Lands in Tonto National Forest for Flood Control Purposes

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 373), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in the Tonto National Forest, Arizona, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved under the jurisdiction of the Secretary of Agriculture for use of the Department of the Army for flood control purposes in connection with the construction, operation, and maintenance of the Whitlow Ranch Reservoir on Queen Creek, as authorized by the act of July 24, 1946 (60 Stat. 641). The jurisdiction of the Department of the Army shall be limited to flowage rights under such terms and conditions as may be agreed upon between the Department of the Army and the Department of Agriculture:

#### GILA AND SALT RIVER MERIDIAN

T. 1 S., R. 11 E., Unsurveyed,  
Sec. 27, NW¼SW¼;  
Sec. 28, S½ and SW¼NE¼;  
Sec. 29, S½;  
Sec. 30, S½;  
Sec. 31;  
Sec. 32;  
Sec. 33, N½, N½SW¼, and SW¼SW¼;  
Sec. 34, NW¼, SW¼NE¼, NW¼SE¼, and NE¼SW¼.  
T. 2 S., R. 11 E.,  
Sec. 5, lot 4 (NW¼NW¼);  
Sec. 6, lots 1, 2, 3, 4, 5, SE¼NW¼ and S½NE¼ (N½).

The areas described aggregate approximately 2,592 acres.

This order shall be subject to existing withdrawals for other than national forest purposes, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,  
Assistant Secretary of the Interior.

JANUARY 19, 1960.

[F.R. Doc. 60-692; Filed, Jan. 22, 1960;  
8:49 a.m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

[7 CFR Part 906]

[Docket No. AO-210-A11]

### HANDLING OF MILK IN OKLAHOMA METROPOLITAN AREA

#### Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and To Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and

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procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to the tentative marketing agreement and order regulating the handling of milk in the Oklahoma Metropolitan marketing area. Interested parties may file exceptions with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

**Preliminary statement.** The hearing on the record of which the proposed

amendments hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Oklahoma City, Oklahoma, on July 28 through July 30, 1959, and was reopened on September 23, 1959, at Tulsa, Oklahoma, pursuant to notices thereof which were issued on July 6, 1959 (24 F.R. 5549) and September 16, 1959 (24 F.R. 7585).

The material issues on the record of this hearing relate to:

1. Expanding the marketing area to include Ponca City and Garfield County, Oklahoma.

2. Revising the norms of the supply-demand adjustment factor in the order and including statistics relating to the Red River Valley marketing area in the computation of the supply-demand adjustment.

3. Revising the Class I differential seasonally.

4. Revising or eliminating the base and excess plan of prorating returns to producers.

5. Levying a compensatory payment on unpriced other source milk.

6. Accounting for nonfat milk solids used to fortify fluid milk products in accordance with the skim milk equivalent.

7. Permitting handlers to have two accounting periods within a month.

8. Revising the definition of plants to which the regulation is fully applicable.

9. Revising the transfer provision with respect to the movement of cream.

10. Making certain other changes of an administrative nature.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on the evidence presented at the hearing and the record thereof:

1. Ponca City and the City of Enid and Vance Air Force Base in Garfield County should be added to the marketing area.

One of the handlers regulated under the Oklahoma Metropolitan marketing order has his plant in Ponca City. Milk also is distributed in Ponca City by several other handlers regulated under the Oklahoma Metropolitan marketing order and a small quantity of milk is distributed there by a handler regulated under the Wichita, Kansas, marketing order. At the present time there are no unregulated plants which dispose of milk there; thus more than 90 percent of the milk sold in Ponca City is regulated under the Oklahoma Metropolitan milk order. In view of this high percentage of sales by regulated handlers and the fact that the absence of regulation poses a constant threat from unpriced milk, particularly to the handler whose plant is located there, it is concluded that Ponca City should be added to the Oklahoma Metropolitan marketing area.

The proposal to add all of Garfield County to the marketing area was abandoned at the hearing. Instead it was proposed that only the City of Enid and Vance Air Force Base, which is located just outside the city limits of Enid, be added to the marketing area. The rest of Garfield County is sparsely populated and has no effective health regulations. Its inclusion in the marketing area would do nothing to enhance the effectiveness of the order.

At the present time there is only one distributing plant located in the City of Enid. The handler who operates this plant also operates two distributing plants within the presently defined marketing area. One of these plants receives milk from producers while the other receives its entire supply of milk from the plant at Enid. Because of the present language in the order the milk moving from Enid to the plant in the marketing area is other source milk.

In addition to the plant located there, milk is distributed in Enid by plants which are now regulated under the Oklahoma Metropolitan marketing order and by plants regulated under other nearby marketing orders. There is no milk distributed in Enid by unregulated plants other than the plant at Enid and the

contract to supply the Vance Air Force Base has regularly been held, either by the plant at Enid, or by plants regulated under the Oklahoma Metropolitan or other nearby marketing orders.

When the order was originally issued the City of Enid had little relationship to the present marketing area. There was no milk moved from Enid into the marketing area and the volume of milk moving from regulated plants to Enid was negligible or nonexistent.

Today, however, a close relationship exists between Enid and the rest of the marketing area. As noted above, the Enid handler disposes of a sizeable volume of milk in the marketing area through its plant at Oklahoma City and it also operates another plant at Stillwater in the marketing area from which milk is also disposed of in the marketing area. Likewise plants in the marketing area have developed a sizeable volume of sales in Enid. Thus Enid can no longer be considered a separate market and should be included in the marketing area. The Vance Air Force Base immediately adjacent to the city is one of the principal outlets for milk of the Enid plant. Milk disposed of for consumption on the premises must meet the same standards as milk which is sold elsewhere in the marketing area. Vance Air Force Base therefore should also be included in the marketing area.

2. The supply-demand adjustment norms should be revised.

The seasonality of production in the Oklahoma Metropolitan marketing area has changed substantially in recent years. When the norms were last adjusted they were representative of the seasonal pattern of production which had previously prevailed in the Oklahoma Metropolitan milkshed. Since that time, there has been a decided shift in the months of peak and low production. In each of the last four years production during the late summer and fall has been much higher in relation to sales than that set forth in the supply-demand norms provided in the order. Likewise, during the winter and early spring, production in relation to sales has been somewhat lower than that which prevailed during the period on which the norms are based. As a result, the effect of the supply-demand adjuster in the last two years has been to increase Class I prices during the months of flush production and to reduce them substantially during the fall months when production is at its lowest point and Class I sales are normally at their peak.

Following the reopening of the hearing in September, an order was issued suspending a portion of the supply-demand adjustment on the Class I price to mitigate its adverse effects on production. The substantial reduction in price which otherwise would have prevailed in the fall months of 1959 threatened a serious curtailment of the production for the market and the possibility of a shortage of milk this coming winter.

The standard norms provided in the order should be completely revised seasonally to prevent unwarranted contra-seasonal movements in price and the spread between the maximum and mini-

mum percentages within which no adjustment would take place should be widened from 4 to 8 percentage points to prevent frequent short-time changes in the level of the Class I price.

In the revised table of supply-demand norms, the minimum percentages set forth will average approximately the same on a yearly basis as those now in the order, although there is a considerable degree of variation from month to month between the present and proposed standards. The increase in the range within which the supply-demand percentages could fluctuate without a change in price taking place, coupled with the proposed seasonal changes in the percentages, would have had the effect of reducing prices slightly below the average which has prevailed during March, April, May and June and would have prevented the very substantial reduction in prices which has occurred in the past during the fall months.

It was proposed by the producer associations that the statistics for the Red River Valley marketing area be added to those of the Oklahoma Metropolitan marketing area in determining the supply-demand adjustment each month. It was their contention that since the Class I price in the Red River Valley marketing area is directly related to the Class I price in the Oklahoma Metropolitan marketing area, that receipts and sales for the two markets should be combined. An analysis of the figures for the two markets indicated that during the ten months for which figures are available for the Red River marketing area, its pattern of receipts to sales has been so close to that of the Oklahoma Metropolitan marketing area that its inclusion would have no effect on the results obtained. For this reason and also in view of the limited history of operations in the Red River Valley, it is concluded that figures for the two markets should not be combined, at least at the present time.

3. No change should be made in the present Class I differentials.

It was proposed that the seasonality in the Class I differential be reduced from 40 cents to 20 cents and that the lower price be effective for the months of March, through June instead of April through June as in the present order. Most of the surplus producing markets to the north have a seasonal pricing pattern similar to that contained in the present order. To increase the differentials during the months of heaviest production would perhaps afford those markets a Class I price advantage over the Oklahoma Metropolitan market for those months and might provide handlers with an incentive to replace producer milk with other source milk during those months.

4. The operation of the base-excess plan should be limited to the months of March through June 1960.

At the present time the base plan is operative during the months of February through July. At the hearing proposals were made both to confine its operation to the months of March through June and to terminate it immediately. At least one of the cooperative associa-

tions on the market presently operates its own base plan which varies considerably from that incorporated in the order. The other cooperative associations on the market have indicated that they also have been giving consideration to the operation of their own base plans. The continuation in the order of the present base plan would conflict with the plans of the cooperative associations and might lead to confusion in the minds of member producers.

The base plan has failed to level out production and may actually have stimulated production when it was not needed on the market. It has been concluded therefore that it should be eliminated from the order but its termination should await the end of the coming base paying period. To terminate it immediately would be unfair to those producers who purchased cows or revised their production in order to prepare for this year's base paying period.

The adverse effects of the plan would be mitigated this year by confining its operation to the period of March through June. It is concluded therefore that in 1960 the months of February and July should be eliminated from the base-paying period.

5. A compensatory payment should be assessed on other source milk disposed of as Class I milk.

Unpriced other source milk is being disposed of in the marketing area in substantial quantities at the present time. There have been periods in the past also when substantial quantities of other source milk were likewise distributed as Class I milk, even though receipts of producer milk were adequate to meet the fluid milk requirements of the market.

An important function of the order is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could limit or cease his purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies may be obtained easily and cheaply during the months of flush production when most markets have receipts of milk considerably greater than necessary to supply their own fluid requirements. If neighboring milksheds dispose of their seasonal surpluses in each others Class I markets, the results would be chaotic and disorderly marketing conditions. Class I prices would be demoralized, production of milk would be impaired, and the present and future permanent supply of milk for both markets would be jeopardized. Such market conditions would be contrary to the purposes of the Agricultural Marketing Agreement Act. Accordingly, to insure the effectiveness of the classified pricing plan and to promote orderly marketing, it is necessary that a method of compensating for or neutralizing the effect of the advantages

created for unpriced milk should be provided as an essential part of this order.

One alternative suggested at the hearing would be the extension of regulation under the order to all plants which supply milk either directly or indirectly to the Oklahoma Metropolitan market. This alternative is not feasible either administratively or economically. It would open the marketwide pool to anyone who chose to supply a token amount of milk to a plant supplying the area even though the plant of origin was primarily a manufacturing plant. Milk from farmers which is not regularly associated with or needed on the market, and is used primarily for manufacturing purposes, would thus share in the Class I sales and the uniform price. It would permit handlers and the producers of such milk to "ride the pool" without performing any necessary service to the market. In addition, such regulation would be cumbersome, expensive, difficult to enforce and it would interfere with the acquisition of supplemental supplies when they were needed on the market. It would be neither possible nor desirable to limit the number of plants or the area from which milk might be secured. In order to bring such plants under regulation, it would be necessary to establish rules for transfers and allocation which were individually tailored for various plant locations, markets and supplies. It would be necessary for milk to be accounted for in its disposition from these plants to its various destinations and uses in order to determine its proper classification. It would be necessary also to ascertain the sources of supply, other than direct receipts from dairy farmers, at such plants and determine what priority should be given to such supplies in the allocation of Class I milk. Further complications would be encountered in the classification of inventories. Earlier inventories as well as sales would have to be confirmed and classified. Classification of much of the milk involved might depend on transactions made in the past for which no records have been kept. Producer prices would be fixed for milk which had already been purchased and sold. The required bookkeeping and auditing problems would be greatly multiplied under such regulation.

It is concluded therefore, that it is not practicable to price all milk which enters the market. However, it is necessary to make provisions which will prevent the displacement of producer milk by such unpriced milk in order to gain a cost advantage. The most practical method under the order is to levy a charge against such unpriced milk used in Class I to the extent necessary to remove any advantage in using such milk in lieu of priced milk from producers.

In the case of other source milk received in the form of concentrated products such as condensed skim milk or nonfat dry milk, the cost to the handler of such products is approximately the Class II price specified in the Oklahoma Metropolitan marketing order. When such products are reconstituted and utilized as Class I milk the cost to the handler of such products is less than the Class I price by approximately the dif-

ference between the Class I price and the Class II price. In order to remove any price advantage that might accrue to a handler through the reconstitution of manufactured products into fluid milk products the rate of compensatory payment on other source milk received in the form of concentrated products should be the difference between the Class I price and the Class II price adjusted by the appropriate butterfat differentials.

Since concentrated products in the form of nonfat dry milk or condensed skim milk which originate outside the market are usually purchased through brokers it is generally impossible to determine the plant of origin. Accordingly, from an administrative standpoint the source of such products must be considered the plant at which they are reconstituted. Hence, no location differential should be applied in determining the rate of the compensatory payment with respect to such products.

In addition to the other source milk which may enter the market in the form of concentrated products there are times when fluid milk is imported from unregulated markets for Class I use.

During the months of relatively flush production when the Oklahoma Metropolitan market is amply supplied with milk the markets from which other source milk may be obtained are likewise in plentiful supply and the alternative outlets for such milk are in the manufacture of dairy products. A fair index of the value of such milk is the Class II price provided in the Oklahoma Metropolitan milk order. To remove the price advantage that a handler might achieve by purchasing surplus milk from other markets for use as Class I milk, a compensatory payment should be assessed on such milk equal to the difference between the Class I price and the Class II price. Since the handler must pay the cost of transporting such milk from the plant of origin to the marketing area, the rate of the payment should be reduced by the amount of the location differential which would apply at the plant of origin were it regulated under the Oklahoma Metropolitan marketing order. It appears that milk would be available at the Class II price from such sources during the months of February through July. It is concluded therefore that during these months the compensatory payment should be equal to the difference between the Class I price and the Class II price adjusted by the appropriate differentials to reflect location and the butterfat content of the milk.

During the remainder of the year, when milk is in much shorter supply and there is a greater demand for fluid milk for bottling purposes, it is unlikely that handlers in the Oklahoma Metropolitan marketing area would find it possible to purchase milk at its value for manufacturing. During these months it is likely that the minimum price at which Oklahoma handlers would be able to purchase fluid milk from unregulated sources, would be one approximately equivalent to the uniform price computed under the order. It is concluded therefore, that during the months of August through January the compensatory payments on other source milk re-

ceived by handlers in fluid form should be computed at a rate equal to the difference between the Class I price and the uniform price. In computing the compensatory payment for the months of February through July both the Class I price and the uniform price should be adjusted by the appropriate differentials to reflect the location of the plant of origin and the butterfat content of the milk.

In computing the applicable location differentials, if a handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the milk allocated to Class I should be considered to have been received from the plants in sequence according to the smallest location adjustment which would be applicable.

In addition to the milk described above which may enter the market from unregulated sources through pool plants, there may be milk disposed of directly on routes in the marketing area from nonpool plants. The circumstances surrounding the acquisition of such milk and the prices at which it may be obtained are comparable to those relating to other source milk which may be acquired for fluid distribution by pool plants. Thus the rates of compensatory payments assessed on other source milk distributed on routes in the area from nonpool plants should be the same as that assessed against pool plants with respect to other source milk which they distribute. In the case of distribution from nonpool plants the payment should be assessed on the volume of milk actually disposed of as Class I milk within the Oklahoma Metropolitan marketing area.

No compensatory payment however should apply to milk which enters the marketing area either directly or through pool plants from a plant which is regulated under another order issued pursuant to the Act. In such cases the proper classification and pricing of the milk will be determined by the other order.

6. Concentrated products which are reconstituted or used in the fortification of fluid milk products should be accounted for in terms of their skim milk equivalent.

Fluid milk products which contain concentrated skim milk solids, such as skim milk drinks and buttermilk to which extra solids have been added, or concentrated whole milk disposed of for fluid use, should be included under the Class I milk definition and all the solids therein should be priced at the same rate. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans would not be considered as Class I milk; they need not be handled as fluid milk products nor need they be made from Grade A milk exclusively.

Skim milk and butterfat are not used in many products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk serum and butterfat content of milk products, received and disposed of by a handler, can be determined through certain recog-

nized testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing (and accounting) in that some of the water contained in the milk has been removed. It is necessary, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator in the case of products manufactured by a handler or by means of standard conversion factors of skim milk and butterfat used to produce such products in the case of products purchased by a handler or where plant production records are inadequate.

The accounting procedure to be used in the case of any condensed milk product should be based on the pounds of milk or skim milk required to produce such product. Concentrated skim milk solids are used to fortify Class I milk products. These solids are required to come from Grade A milk.

Neither the form in which, nor the source from which, such solids are obtained alters their value to the handler for this purpose. Solids contained in producer skim milk are in fluid form and are paid for on the basis of all the water originally associated with the solids. In order to account for skim milk solids in powdered or concentrated form on a basis comparable to that used in accounting for liquid skim milk in producer milk it is necessary to account for such solids on the basis of the amount of skim milk necessarily used in producing such solids. Therefore, the accounting procedure to be used in the case of this and any condensed milk product should be based on the pounds of milk or skim milk required to produce such product.

7. Provision should be made so that a handler who so desires may have two accounting periods within a month.

This would permit handlers to have two complete accounting periods within a month if they felt it would be to their advantage to do so. It would permit other source milk to be assigned to Class I under certain circumstances when the market was short of producer milk during a portion of the month and supplemental supplies became necessary. Such circumstances might arise during periods of seasonal increases in or decreases in Class I sales or production. Receipts of a handler from producers during such a period might be adequate at the beginning of the month but be less than Class I sales at the end of the month. The proponents pointed out that the excess of producer milk at the beginning of such month would be at least partly allocated to Class I milk under the monthly accounting period even though it were obviously not available for Class I use when supplies became short. The same situation would prevail in reverse if supplies were inadequate at the beginning of a month and more than ample at the end of a month. The handlers proposed that they be allowed to elect two accounting periods within the month.

The monthly accounting system has become the standard under milk order regulation and is generally accepted as the most practicable method of applying the provision of the Act which requires that milk be classified "in accordance with the form in which or the purpose for which it is used \* \* \*." There are administrative limitations involved in accounting for specific lots of milk according to its actual or physical disposition. The allocation provisions such as those contained in the Oklahoma Metropolitan milk marketing order are necessary to distinguish the uses of "producer milk" and "other source milk" for classification purposes. These provisions eliminate the impossible administrative task of ascertaining the particular use of each hundredweight of milk from each source and make possible an accounting system which has practical application. The extent to which producer milk may be given priority assignment to the higher valued uses has been established as the prerogative of the Secretary in formulating provisions which will provide reasonable protection for producers against the substitution of unregulated, unpriced milk and thus promote orderly marketing. In any event a handler is never compelled to pay producers for any greater utilization of milk than he actually makes in the particular class.

At the present time the Oklahoma Metropolitan market is adequately supplied with milk. However, in an area such as this where severe drought may occur it is not impossible that such a situation could develop in the future because of weather conditions or other unforeseen circumstances. Under such circumstances handlers might occasionally experience difficulty in maintaining an adequate supply to meet unpredicted fluctuations in sales and production. It appears that the additional freedom in procurement which handlers would have under their proposal would be of benefit in assuring an adequate supply for the market at all times. It would also benefit producers in that it would remove the principal factor which might deter handlers from taking on additional producer supplies as they became available during the month.

It is highly unlikely that all handlers in the market would need to exercise, at the same time, the privilege of using two accounting periods within a month. This consideration bears on the cost of administering the order and the sharing of the burden of this cost among handlers. The division of a month into two accounting periods would require the proof of receipts, sales, inventories, and shrinkage for each accounting period as well as the allocation of utilization between the various sources of milk. It is apparent that the administrative costs involved in verifying handlers' reports and dealing with the additional administrative problems would be increased and that these increased costs would be directly associated with the operations of the handler who elected to use the shorter accounting period. Thus there would not be an equitable sharing of the administrative cost among handlers unless the additional expense involved were

borne by the handler responsible. There is not now any experience in this market by which to measure precisely how much additional expense would be incurred. It appears however, that the administrative cost of verifying a handler's operations for an accounting period would be virtually identical regardless of the length of the accounting period. On this basis the order provisions assign administrative expense and therefore a handler electing to use two accounting periods within a month would pay for administrative expense at a rate double that paid by other handlers who had only one accounting period during the month. It is provided however, that after actual experience the amounts could be reduced if the actual cost proves to be less than the regular rate.

In order to avail himself of two accounting periods within a month a handler must notify the market administrator in writing at least 24 hours prior to the expiration of the first accounting period within the month that he desires two accounting periods. This is essential so that the market administrator may have the opportunity to verify inventories and take such other procedures as he deems requisite.

8. The definitions of the plants which would be subject to full regulation should be revised.

At the present time any plant which distributes even one quart of milk in the marketing area on routes is subject to full regulation under the order. However, supply plants unless they receive milk from dairy farmers who are under the regular inspection of municipal health authorities in the marketing area are not subject to regulation. Recent developments in the market have shown the inadequacy of the present plant definitions since one distributing plant has ceased purchasing milk from producers and receives its entire supply of milk from a plant which is unregulated because the farmers who supply it with milk are not under the regular inspection of a municipal health authority in the marketing area. Producers have also indicated they fear the possibility of a plant which is primarily a manufacturing plant becoming a pool plant on the market by distributing a small quantity of milk on routes in the marketing area.

A distributing plant, to be regulated, should dispose of an amount equal to at least 50 percent of its receipts of Grade A milk from other pool plants and from dairy farmers as Class I milk and in addition should dispose of at least 5 percent of such Grade A receipts as Class I milk on routes in the marketing area.

A plant which distributes less than 50 percent of its total receipts from dairy farmers as Class I milk should not be considered as primarily in the fluid milk business and any distributing plant which does less than 5 percent of its total fluid business in the marketing area should not be considered as substantially associated with the local market.

All of the distributing plants which are regulated at the present time distribute more than 5 percent of their receipts of Grade A milk on routes within the marketing area. There is no evidence on

the record to indicate that any of these plants dispose of less than 50 percent of their total receipts of Grade A milk as Class I milk.

A supply plant to be subject to regulation should dispose of an amount equal to at least 50 percent of its receipts from Grade A dairy farmers as fluid milk to distributing plants which are subject to full regulation under the order during the months of September through December.

A supply plant which furnishes at least 50 percent of its receipts of Grade A milk to distributing plants in the marketing area during each of the months of shortest production, September through December, is clearly associated with the market and is functioning as a primary source of supply for the market. It should be permitted to continue to be a pool plant even though it does not supply 50 percent of its milk to distributing plants during the remaining months of the year. Because of the seasonal fluctuation in production and the changing pattern of sales in most markets it frequently happens that plants whose milk is needed on the market during the periods of short supply are not required to furnish milk in large quantities during other months of the year. It would be uneconomical to require milk to be shipped from supply plants to the marketing area when receipts from producers at distributing plants are adequate to meet the fluid milk requirements of the market particularly since this probably would necessitate the movement of milk from the distributing plants to other outlets for manufacturing. It would likewise cause chaotic marketing conditions to drop from the pool during the months of flush production plants whose milk was needed on the market during certain seasons of the year.

Thus a supply plant which qualifies as a pool plant during each of the months of September through December will retain its pool status during the following months of flush production unless it notifies the market administrator in writing prior to the end of any month that it desires to discontinue its status as a pool plant.

9. The transfer provisions with respect to the movement of cream to nonpool plants should be revised.

At the present time the order provides that any cream which is disposed of to a nonpool plant may be classified as Class II if the handler claims a Class II classification and establishes the fact that the cream was transferred without a Grade A certificate and that each container was labeled to indicate that such cream was intended for manufacturing purposes only. With respect to shipments of milk or skim milk, however, the order provides that the market administrator shall verify the actual utilization of such products on shipments of less than 300 miles and that such products shall automatically be Class I if transferred to a plant more than 300 miles from the City Hall in either Oklahoma City or Tulsa.

It is provided in the attached order that the market administrator shall

classify transfers of cream within the 300-mile radius in the same manner as he now verifies shipments of milk or skim milk. Since shipments of cream beyond the 300-mile radius are frequently made for utilization in ice cream, it would be impracticable to classify all shipments of cream beyond the 300-mile zone as Class I milk. To do so might place a burden on the market by making it difficult to dispose of seasonal surpluses of cream in the more attractive outlets. The present provisions of the order with respect to transfers of cream should continue to apply to shipments beyond the 300-mile radius but it also should be provided that a handler to establish Class II classification on such shipments of cream must give the market administrator sufficient notification of the intended shipment that he may verify that such cream was moved without Grade A certification and that the containers were actually marked to indicate their contents were for manufacturing use only.

10. Certain other changes of an administrative nature should be made to bring the provisions of the order into conformity with the amendments recommended above and to facilitate the administration of the order.

The producer definition should be amended to exclude any person whose milk is diverted directly from the farm to a pool plant regulated under another order if such person is defined as a producer under another order pursuant to the Act. This question has arisen in the past. Under the present definition a person whose milk is so diverted is a producer under the Oklahoma Metropolitan marketing order but in many instances is also a producer under the order regulating the plant to which his milk is diverted. It is recommended that such a person be a producer under the Oklahoma Metropolitan marketing order only if the other order does not define him as a producer.

The "producer milk" definition should be revised to exclude milk which is received from other pool plants since plants may have both milk from producers and other source milk. The administrative problem in determining whether transfers are of producer milk or of other source milk imposes a burden on the market administrator in allocating producer milk in a handler's plant. The elimination of such milk from the producer milk definition will not affect the overall operation of the order but will simplify the accounting procedures.

The term "fluid milk product" should also be defined. The use of this term which includes milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fresh cream, cultured sour cream, and mixtures such as half and half, will eliminate the necessity of itemizing such products in several sections of the order. It does not affect the classification of any item.

Except for the amendments specifically discussed above, any other changes in the language in the order are merely for the purpose of bringing the remaining provisions of the order into conformity with the recommended amend-

## PROPOSED RULE MAKING

ments and do not in any way affect either the scope or the application of the order.

*Rulings on findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative market agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order regulating the handling of milk in the Oklahoma Metropolitan marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those in the order, as hereby proposed to be amended:

## DEFINITIONS

## § 906.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

## § 906.2 Secretary.

"Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

## § 906.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

## § 906.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

## § 906.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

## § 906.6 Oklahoma Metropolitan marketing area.

"Oklahoma Metropolitan, marketing area", hereinafter called the "Marketing Area", means all the territory within Tulsa County; the city of Sapulpa, and the township of Sapulpa in Creek County; that part of Black Dog Township in 20 North, Ranges 10, 11, and 12 East in Osage County; the cities of Muskogee, McAlester, Ponca City, and Tahlequah; Oklahoma County, except Deer Creek, Deep Fork, and Luther Townships; Moore, Taylor, Case, Liberty, Norman, and Noble Townships in Cleveland County; Bales, Davis, Dent, Brinton, Rock Creek, Forest, and Earlsboro townships in Pottawatomie County; the city and township of Guthrie in Logan County; the city and township of Stillwater and Union Township, including the city of Cushing in Payne County; and the city of Enid and Vance Air Force Base in Garfield County; all in the State of Oklahoma.

## § 906.7 Distributing plant.

"Distributing plant" means a plant:

(a) Which is approved by a duly constituted state or municipal health authority, or which is acceptable to an agency of the Federal Government for the disposition of milk at an installation in the marketing area;

(b) In which milk or skim milk is processed or packaged; and

(c) From which an amount equal to 50 percent of its receipts of Grade A milk from other pool plants and dairy farmers who would be producers if this plant qualified as a pool plant is disposed of as Class I milk and an amount equal to at least five percent of such receipts is disposed of as Class I milk on routes in the marketing area.

## § 906.8 Supply plant.

"Supply plant" means a plant which receives milk from approved dairy farmers who would be producers if this plant qualified as a pool plant and from which an amount equal to 50 percent of the receipts from such approved farmers is shipped to a distributing plant during the month in the form of fluid milk products: *Provided*, That any plant which qualifies as a pool plant during each of the months of September through December shall be a supply plant for the following months of January through August except that if the operator of such plant so requests the market administrator in writing, its pool plant status shall be terminated the first day of the month following receipt of such notification.

## § 906.9 Pool plant.

"Pool plant" means:

(a) A distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 906.61);

(b) A supply plant; and

(c) A plant at which milk is received directly from the farms of dairy farmers holding permits or authorizations issued by a health authority having jurisdiction in the marketing area, and which is operated by a cooperative association having member producers whose milk is received at the pool plants of other handlers.

## § 906.10 Nonpool plant.

"Nonpool plant" means any milk plant which is not a pool plant.

## § 906.11 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants: *Provided*, That in the case of recognized divisions of a corporation which are operated as separate business units, each such division shall be deemed to be a handler;

(b) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of on routes in the marketing area;

(c) A cooperative association which owns or operates a plant described in § 906.9(c) with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by such cooperative association for the account of such cooperative association (such milk shall be considered to have been received by such cooperative association at a pool plant at the location of the plant to which it is delivered); or

(d) Any cooperative association with respect to the milk of producers which it causes to be diverted to nonpool plants for the account of such cooperative association.

## § 906.12 Producer.

"Producer" means any person, other than a producer-handler, who under a dairy farm permit, authorization, or rating for the production of milk to be disposed of as Grade A milk issued by a duly constituted state or municipal health au-

thority, or by an agency of the Federal Government located in the marketing area, produces milk which is received at a pool plant directly from the farm of such person. This definition shall include any person meeting the above requirements whose milk is caused by a handler to be diverted from a pool plant to a nonpool plant for the account of such handler, and milk so diverted shall be deemed to have been received at the pool plant from which it is diverted for the purpose of determining location differentials pursuant to § 906.81. This definition shall not include any person with respect to milk produced by him which is received at a plant which is regulated by another order issued pursuant to the Act if the other order requires such person to be designated as a producer.

#### § 906.13 Producer milk.

"Producer milk" means all skim milk and butterfat in milk, produced by a producer which is received by a handler either directly from producers or from other handlers as defined in § 906.11(c).

#### § 906.14 Other source milk.

"Other source milk" means all skim milk and butterfat, other than that contained in producer milk or in receipts of fluid milk products from other pool plants, and products designated as Class II milk pursuant to § 906.41(b) from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

#### § 906.15 Producer-handler.

"Producer-handler" means any person who produces milk and operates a distributing plant, but who receives no milk from producers or other dairy farmers.

#### § 906.16 Base milk and excess milk.

(a) "Base milk" means milk received by a handler from a producer during any of the months of March through June 1960, which is not in excess of such producer's daily base computed pursuant to § 906.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

(b) "Excess milk" means milk received by a handler from a producer during any of the months of March through June 1960, which is in excess of the base milk received from such producer during such month, and shall include all milk received from producers for whom no daily average base has been computed, pursuant to § 906.65.

#### § 906.17 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery in bulk to a milk plant.

#### § 906.18 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (except cream stored and frozen), cultured sour

cream, and any mixture in fluid form of cream and milk or skim milk (except bulk ice cream mix).

#### § 906.19 Accounting period.

"Accounting period" shall mean a calendar month unless the handler during any calendar month makes a request in writing to the market administrator requesting two accounting periods during such month. Such request shall be made at least 24 hours prior to the end of the first accounting period in the month.

#### MARKET ADMINISTRATOR

#### § 906.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

#### § 906.21 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

#### § 906.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

- (c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

- (d) Pay out of funds provided by § 906.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 906.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

- (e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

- (f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

- (g) Audit all reports and payments by each handler by inspection of such

handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 906.30 to 906.32, inclusive,

(2) Maintained adequate records and facilities pursuant to § 906.33, or

(3) Made payments pursuant to §§ 906.80 to 906.88, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For the purposes of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 906.51(a) and the Class I butterfat differential computed pursuant to § 906.52(a), both for the current month; and the minimum price for Class II milk pursuant to § 906.51(b) and the Class II butterfat differential computed pursuant to § 906.52(b) both for the previous month.

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 906.72 or § 906.73, as applicable, and the butterfat differential computed pursuant to § 906.82, both for the previous month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

#### REPORTS, RECORDS AND FACILITIES

#### § 906.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for each accounting period in the month in detail on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of March through June, 1960, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and

(f) The quantities of skim milk and butterfat contained in opening and closing inventories;

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

#### § 906.31 Reports of payments to producers.

On or before the 20th day of each month, each handler who operates a pool plant shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show: (a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of March through June 1960, such producer's deliveries of base and excess milk; (b) the amount of payment to each producer or cooperative association; and (c) the nature and amount of any deductions or charges involved in such payments.

#### § 906.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe, and

(b) Each handler who causes milk to be diverted to a nonpool plant, shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

#### § 906.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to: (a) The receipts and utilization of all receipts of producer milk and other source milk; (b) the weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled; (c) payments to producers and cooperative association; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

#### § 906.34 Retention of records.

All books and records required under this subpart to be made available to the

market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

#### CLASSIFICATION

#### § 906.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received during each accounting period by a handler which is required to be reported pursuant to § 906.30 shall be classified by the market administrator pursuant to the provisions of § 906.41 to § 906.46, inclusive.

#### § 906.41 Classes of utilization.

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of fluid milk products (except as provided in paragraph (b) of this section) and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product,

(2) In cream stored and frozen,

(3) Disposed of for livestock feed,

(4) In skim milk dumped, after prior notification to, and opportunity for verification by the market administrator,

(5) In actual shrinkage of producer milk in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers' farms, plus one and one-half percent of the total pounds of skim milk and butterfat in milk, skim milk and cream in fluid form received at a pool plant from both producers and other handler, pool plants and which were not disposed of in bulk to the pool plant of another handler,

(6) In shrinkage of other source milk, and

(7) In inventory as fluid milk products at the end of the accounting period.

#### § 906.42 Shrinkage.

The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in each pool plant; and

(b) Assign the shrinkage of skim milk and butterfat pro rata between producer milk and other source milk.

#### § 906.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original form or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 906.41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 906.46 (a) (6).

#### § 906.44 Transfers.

Skim milk or butterfat disposed of from a pool plant either by transfer or diversion shall be classified:

(a) As Class I milk if diverted or transferred in bulk in the form of milk, skim milk or cream, including milk caused to be delivered to such handler's pool plant(s) from producers' farms by a cooperative association in its capacity as a handler pursuant to § 906.9(c), to the pool plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 906.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk. In no case shall the amount of milk assigned to Class I in the transferee plant be greater than the difference between its total receipts of milk and its total utilization of such milk in Class II;

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk or cream;

(c) As Class I milk if diverted or transferred in bulk in the form of milk or skim milk to a nonpool plant located more than 300 miles from the City Hall in either Oklahoma City or Tulsa, Oklahoma, by the shortest hard-surfaced highway distance as determined by the market administrator;

(d) As Class I milk if transferred in bulk in the form of cream to a nonpool plant located more than 300 miles from the City Hall in either Oklahoma City or Tulsa, Oklahoma, by the shortest hard-surfaced highway distance as determined by the market administrator, unless the handler claims classification as Class II milk, establishes the fact that such cream was transferred without

Grade A certification, each container was tagged or labeled to show that the contents were only for manufacturing use, the shipment was invoiced accordingly, and the market administrator was given sufficient notice to allow him to verify the shipment;

(e) (1) As Class I milk, if diverted or transferred in bulk in the form of milk, skim milk, or cream to a nonpool plant located not more than 300 miles by the shortest hard-surfaced highway distance from the City Hall in either Oklahoma City or Tulsa, Oklahoma, from which fluid milk is disposed of on wholesale or retail routes or to other milk plants, unless all the following conditions are met:

(i) The market administrator is permitted to audit the records of such nonpool plant; and

(ii) Such nonpool plant received milk from dairy farmers who the market administrator determines constitute its regular sources of supply for Class I milk;

(2) If these conditions are met the market administrator shall classify such milk as reported by the handler subject to verification as follows: (i) Determine the use of all skim milk and butterfat at such nonpool plant, and (ii) allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the nonpool plant directly from dairy farmers who the market administrator determines constitute its regular sources of supply for Class I milk;

(f) As Class II milk if diverted or transferred in bulk in the form of milk, skim milk, or cream to a nonpool plant located not more than 300 miles by the shortest hard-surfaced highway distance from the City Hall in either Oklahoma City or Tulsa, Oklahoma, and from which fluid milk is not disposed of on wholesale or retail routes, except that:

(1) If such nonpool plant transfers milk, skim milk, or cream to a pool plant, an equal amount of skim milk and butterfat transferred to such nonpool plant from the pool plants of other handlers shall be deemed to have been transferred directly to the second pool plant and shall be classified pursuant to the provisions of paragraph (a) of this section; and

(2) If such nonpool plant transfers milk, skim milk, or cream to a second nonpool plant which distributes fluid milk on wholesale or retail routes, skim milk or butterfat transferred from the pool plant to the first nonpool plant shall be Class I milk to the extent of the amount so transferred to such second nonpool plant unless it is established that the milk, skim milk, or cream was transferred to the second nonpool plant without Grade A certification and with each container labeled or tagged to indicate that the contents were for manufacturing use only, and that the shipment was so invoiced.

#### § 906.45 Computation of skim milk and butterfat in each class.

For each accounting period, the market administrator shall correct for mathe-

matical and for other obvious errors, the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk. Skim milk contained in any products utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all the water originally associated with such solids.

#### § 906.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 906.45, the market administrator shall determine the classification of producer milk received by each handler in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II milk, the pounds of skim milk in shrinkage of producer milk determined pursuant to § 906.41(b) (5);

(2) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of nonfluid milk products, other than condensed skim milk or nonfat dry milk;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of condensed skim milk or nonfat dry milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in fluid milk products which were subject to the Class I pricing and payment provisions of another order issued pursuant to the Act;

(6) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in inventory at the beginning of the month in the form of fluid milk products;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of fluid milk products pursuant to § 906.44;

(8) Add to the pounds of skim milk remaining in Class II, the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk in each class, beginning with Class II milk. Any amount so subtracted shall be called overage;

(b) Butterfat shall be allocated in the same manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add together the pounds of skim milk and butterfat in each class computed pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in producer milk allocated to each class.

#### MINIMUM PRICES

#### § 906.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 906.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

#### Present Operator and Location

Borden Co., Mount Pleasant, Mich.  
Carnation Co., Sparta, Mich.  
Pet Milk Co., Wayland, Mich.  
Pet Milk Co., Coopersville, Mich.  
Borden Co., Orfordville, Wis.  
Borden Co., New London, Wis.  
Carnation Co., Richland Center, Wis.  
Carnation Co., Oconomowoc, Wis.  
Pet Milk Co., New Glarus, Wis.  
Pet Milk Co., Belleville, Wis.  
White House Milk Co., Manitowoc, Wis.  
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

#### § 906.51 Class prices.

Subject to the provisions of §§ 906.52 and 906.53, inclusive, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price plus \$1.55 during the months of April, May and June and plus \$1.95 during all other months: *Provided*, That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the

preceding month. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents, computed as follows:

(1) Divide the total receipts of producer milk in the second and third months preceding by the total gross volume of Class I milk (excluding inter-handler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage.

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage";

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
Jan.....	Oct.-Nov.....	114	122
Feb.....	Nov.-Dec.....	117	125
Mar.....	Dec.-Jan.....	115	123
Apr.....	Jan.-Feb.....	114	122
May.....	Feb.-Mar.....	118	126
June.....	Mar.-Apr.....	126	134
July.....	Apr.-May.....	137	145
Aug.....	May-June.....	139	147
Sept.....	June-July.....	132	140
Oct.....	July-Aug.....	126	134
Nov.....	Aug.-Sept.....	120	128
Dec.....	Sept.-Oct.....	115	123

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation;

(ii) One cent for the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant

to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

#### Present Operator and Location

American Foods Co., Miami, Okla.  
 Eppler Creamery Co., Tulsa, Okla.  
 Gilt Edge Dairy, Norman, Okla.  
 Muskogee Dairy Products Co., Muskogee, Okla.  
 Page Milk Co., Coffeyville, Kans.  
 Pet Milk Co., Siloam Springs, Ark.

#### § 906.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 906.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 906.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II milk.* Multiply such price for the current month by 1.15.

#### § 906.53 Location adjustment credit to handlers.

For that portion of milk which is (a) received directly from producers at a pool plant located 50 or more miles from the City Hall in Oklahoma City by the shortest hard-surfaced highway distance as determined by the market administrator, and (b) is classified as Class I milk, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler computed as follows:

Distance from the City Hall in Oklahoma City:	Cents per hundredweight
50 to 150 miles.....	10
150.1 to 165 miles.....	12
165.1 to 180 miles.....	14
180.1 to 195 miles.....	16
195.1 to 210 miles.....	18
210.1 to 225 miles.....	20
225.1 to 240 miles.....	22

Plus 1 cent for each additional 15 miles or fraction thereof in excess of 240 miles: *Provided*, That for the purpose of calculating such adjustment, transfers to a pool plant at which no location adjustment credit is applicable or at which the location adjustment credit is less than at the transferor plant, shall be assigned to Class I milk in a volume not in excess

of that by which 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant. Such assignment to transferor plants is to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

#### § 906.54 Equivalent prices.

If, for any reason, a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

#### § 906.55 Rate of compensatory payment.

The rate of compensatory payment per hundredweight applicable to other source milk assigned to Class I use at pool plants or disposed of as Class I milk on routes in the marketing area from nonpool plants shall be calculated as follows:

(a) For the months of February through July subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential and, except in the case of condensed skim milk and nonfat dry milk, by the location adjustment pursuant to § 906.53 which would apply if the nonpool plant were a pool plant; and

(b) For the months of August through January, subtract the uniform price adjusted by the Class I butterfat differential and by the location adjustment pursuant to § 906.81 which would apply if the nonpool plant were a pool plant from the Class I price adjusted by the Class I butterfat differential and, except in the case of condensed skim milk and nonfat dry milk, by the location adjustment pursuant to § 906.53 which would apply if the nonpool plant were a pool plant.

#### APPLICATION OF PROVISIONS

##### § 906.60 Producer-handlers.

Sections 906.40 through 906.46, 906.50 through 906.53, 906.65, 906.66, 906.70 through 906.73, and 906.80 through 906.89, shall not apply to a producer-handler.

##### § 906.61 Handlers subject to other orders.

In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act and whose milk is classified and priced under such other order, the provisions of this part shall not apply except that the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

**§ 906.62 Handlers operating nonpool plants.**

Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act shall report as required pursuant to §§ 906.30 and 906.31 reporting receipts from dairy farmers in lieu of such information with respect to producers and shall allow verification of such reports, and on or before the 12th day of each month he shall pay to the market administrator an amount computed by multiplying the total volume of Class I milk disposed of on routes in the marketing area from such nonpool plant during the preceding month by the rate of compensatory payment computed pursuant to § 906.55.

**DETERMINATION OF BASE****§ 906.65 Computation of daily average base for each producer.**

For the months of March through June 1960 the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 906.66:

Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December 1959 by the number of days, not to be less than 90 of such producer's delivery during such period: *Provided*, That in the case of persons who become producers because the plant to which they deliver their milk becomes a pool plant on the effective date of this order, the market administrator shall compute a base by dividing the total pounds of milk received at such plant from such persons during the months of September through December 1959, by the number of days, not to be less than 90, of such person's delivery in such period.

**§ 906.66 Base rules.**

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period;

(b) Bases may be transferred only during the period of March through June 1960, by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days during the months of January through June shall forfeit his base.

**DETERMINATION OF UNIFORM PRICES****§ 906.70 Computation of value of milk.**

The value of milk received during each month by each handler from producers

shall be the total of the sums of money computed for each accounting period within the month by the market administrator as follows:

(a) *Handlers who receive milk from producers.* (1) Multiply the pounds of such milk in each class by the applicable respective class prices (adjusted pursuant to §§ 906.52 and 906.53) and add together the resulting amounts;

(2) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 906.46(a) (9) and the corresponding step of § 906.46(b) by the applicable class price(s); and

(3) Add any charges computed as follows:

(i) For any skim milk or butterfat in inventory reclassified pursuant to § 906.43(b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month;

(ii) For any other skim milk or butterfat reclassified pursuant to § 906.43(b) a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price for the month in which previously classified as Class II milk;

(iii) For any skim milk or butterfat subtracted from Class I pursuant to § 906.46(a) (2), (3) and (4) and the corresponding steps of § 906.46(b) multiply the pounds of milk so subtracted by the rate of compensatory payment as determined pursuant to § 906.55.

(b) *Handlers who operate pool plants but who receive no milk from producers.* (1) If any overage has been deducted pursuant to § 906.46(a) (9) or the corresponding step of § 906.46(b), multiply such amount by the applicable class price; and

(2) If any skim milk or butterfat has been subtracted from Class I pursuant to § 906.46(a) (2), (3) and (4) and the corresponding steps of § 906.46(b) multiply the pounds of milk so subtracted by the rate of compensatory payment as determined pursuant to § 906.55 and add such value to that computed pursuant to subparagraph (1) of this paragraph.

**§ 906.71 Computation of aggregate value used to determine price(s).**

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 906.70 for all handlers who made the reports prescribed in § 906.30 and who made the payments pursuant to §§ 906.80 and 906.84 for the preceding month.

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81.

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of

the contingent obligations to handlers pursuant to § 906.85.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 906.82 and multiplying the resulting figure by the total hundredweight of such milk.

**§ 906.72 Computation of uniform price.**

For each month, except the months of March through June 1960, the market administrator shall compute the uniform price per hundredweight for all milk of 4 percent butterfat content received from producers as follows:

(a) Divide the aggregate value computed pursuant to § 906.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

**§ 906.73 Computation of uniform prices for base milk and excess milk.**

For each of the months of March through June 1960, the market administrator shall compute the uniform prices per hundredweight for base and excess milk, each of 4 percent butterfat content as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of milk computed pursuant to § 906.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat received from producers.

**PAYMENTS****§ 906.80 Time and method of payment.**

Each handler shall make payment as follows:

## PROPOSED RULE MAKING

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer to whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 906.72 and 906.73, adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to § 906.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment pursuant to § 906.85, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(b) On or before the last day of each month, to each producer for whom payment is not made pursuant to paragraph (d) of this section for milk received from him during the first 15 days of the month at not less than the Class II price for the preceding month;

(c) To a cooperative association with respect to milk for which the cooperative association is a handler on or before the 10th day of each month for milk which is caused to be delivered to such handler during the preceding month at not less than the value of such milk at the applicable class prices; and

(d) (1) Upon receipt of written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall,

(i) Pay to the cooperative association on or before the 13th and 27th days of each month in lieu of payments pursuant to paragraphs (a) and (b), respectively of this section, an amount equal to the gross sum due for all milk received from certified members, less amounts owed by each member producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer,

(ii) Submit to the cooperative association on or before the 10th day of each month written information which shows for each member producer,

(a) The total pounds of milk received during the preceding month,

(b) The total pounds of butterfat contained in such milk,

(c) The number of days on which milk was received,

(d) For the months of March through June 1960, the amount of base and excess milk received and

(e) The amounts withheld by the handler in payment for supplies sold, and

(iii) Submit to the cooperative association on or before the 25th day of each

month, written information which shows for each member producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer, who the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following the receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association; and

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion through audits of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

#### § 906.81 Location adjustment to producers.

In making payments to producers pursuant to § 906.80 each handler may deduct for each hundredweight of milk (except that during the months of March through June 1960, the deduction shall be limited to base milk) received from producers at a pool plant which is located 50 miles or more from the City Hall in Oklahoma City by the shortest hard-surfaced highway distance as determined by the market administrator the applicable amounts set forth below:

Distance from the City Hall in Oklahoma City:	Cents per hundredweight
50 to 150 miles.....	10
150.1 to 165 miles.....	12
165.1 to 180 miles.....	14
180.1 to 195 miles.....	16
195.1 to 210 miles.....	18
210.1 to 225 miles.....	20
225.1 to 240 miles.....	22

Plus 1 cent for each additional 15 miles or fraction thereof in excess of 240 miles.

#### § 906.82 Producer butterfat differential.

In making payments pursuant to § 906.80 there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

#### § 906.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments

made by handlers pursuant to §§ 906.62, 906.84 and 906.86, and out of which he shall make all payments to handlers pursuant to §§ 906.85 and 906.86, inclusive.

#### § 906.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month during which the milk was received, each handler including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 906.70 is greater than the amount required to be paid producers by such handler pursuant to § 906.80.

#### § 906.85 Payment out of the producer-settlement fund.

On or before the 14th day after the end of the month during which the milk was received the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 906.70 is less than the amount required to be paid producers by such handler pursuant to § 906.80: *Provided*, That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

#### § 906.86 Adjustments of accounts.

Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

#### § 906.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 906.80 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such money shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be

authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of the month pay such deduction to the cooperative association rendering such services, identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 906.31. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 906.31.

#### § 906.88 Expense of administration.

As his pro rata share of the expense of administration of this subpart each handler (a) who operates a pool plant(s) shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (1) other source milk which is classified as Class I milk, and (2) milk from producers including such handler's own production: *Provided*, That with respect to payments pursuant to (1) and (2) of this paragraph, for each handler using two accounting periods in a month, the rate of payment shall be twice the rate for monthly accounting periods, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting period, and (b) each handler who operates a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act shall make such payments only with respect to Class I milk disposed of on routes within the marketing area.

#### § 906.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

#### EFFECTIVE TIME, SUSPENSION OR TERMINATION

#### § 906.90 Effective time.

The provisions of this part or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 906.91.

#### § 906.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

#### § 906.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

#### § 906.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or

such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

#### MISCELLANEOUS PROVISIONS

#### § 906.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

#### § 906.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 20th day of January, 1960.

ROY W. LENNARTSON,  
Deputy Administrator,  
Agricultural Marketing Service.

[F.R. Doc. 60-707; Filed, Jan. 22, 1960; 8:52 a.m.]

#### [ 7 CFR Part 963 ]

[Docket No. AO-309-A1]

#### MILK IN GREAT BASIN MARKETING AREA

#### Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Great Basin marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture,

Washington, D.C., not later than the close of business the 5th day after publication of this decision in the *FEDERAL REGISTER*. The exceptions should be filed in quadruplicate.

**Preliminary statement.** The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at South Salt Lake City, Utah, on December 15, 1959, pursuant to notice thereof which was issued December 4, 1959 (24 F.R. 9993).

The material issues on the record of the hearing relate to:

1. The definition of producer and producer milk.

2. The definition of pool plants and other plants which are partially regulated.

**Findings and conclusions.** The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. **Definition of "producer" and "producer milk".** The terms "producer" and "producer milk" should be redefined. The principal producer associations in the Great Basin market requested that the diversion provision in the producer definition be modified by eliminating the requirement of delivery to a pool plant on 3 days of the current or preceding month. The amount of diversion allowed would instead be covered under the definition of "producer milk".

Under this arrangement a Grade A dairy farmer would qualify as a producer whenever his milk is delivered to a pool plant, and would also qualify as a producer with respect to his milk diverted in accordance with the definition of producer milk. It was proposed that milk diverted would be producer milk up to twice the amount of milk received from the same farmer at pool plants.

These proposed changes would require that if a farmer is to qualify as a producer for the entire month a larger proportion of his milk must be delivered to pool plants than under current order provisions, and thus would require a greater association with the market. The more complete information now available than prior to issuance of the order shows that the proposed requirement better fits those dairy farmers who are genuinely associated with the market. Producers who have been part of the regular market supply will be able to meet the proposed requirements. It is concluded that these changes in the definitions of producer and producer milk should be adopted.

Diversion should also be provided for when a handler desires to have milk of any one of his producers temporarily delivered to the manufacturing facility of the pool plant of another handler. A handler who so diverts milk would be required to account for it as a receipt by him of producer milk for which he would be responsible both as to payments to the producer-settlement fund and to the producer. This provision would apply only when the milk moves from the producer's farm to a receiving facility not qualified for handling milk for fluid consumption located at the other pool plant.

The amount of producer milk diverted for each producer to nonpool plants or pool plants would be limited to 200 percent of the amount of such producer's milk not diverted and received at pool plants.

The definition of producer should provide also that a dairy farmer whose primary association is with another Federal order market shall not be a producer on this market. Dairy farmers who are primarily associated with the Western Colorado market (Order No. 80) have occasionally looked to plants in the Great Basin market as an outlet for surplus milk. Prior to the effective time of the Great Basin order, this milk had been received at the plant of the Weber Central Dairy Association and was used for manufacturing purposes. The representative of the producers' association in the Western Colorado market testified that the association desired to continue to use this plant as an outlet for surplus milk of farmers who, under the Federal order in the Western Colorado market, are regularly producers for that market. This outlet for surplus might not be available if such farmers qualified as producers under the Great Basin order whenever their milk was shipped to a pool plant under the Great Basin order.

Inasmuch as the milk in question represents surplus from another market, it should be accounted for as other source milk which is identified as coming from dairy farmers who during the same month are producers under another order. Any other milk in the same tank truckload with that of farmers who are producers under another market cannot be separately identified and should also be considered as other source milk.

The addition of explanatory language in the definition of producer milk was proposed to make clear which handler is the receiving handler in the case of milk picked up at farms by tank trucks operated by a cooperative and delivered to a pool plant. It is already provided in the order that if the cooperative association elects to be the handler, the milk is a receipt of producer milk by the association. The further receipt of the same milk by another handler at a pool plant is accounted for as an inter-handler transfer, and not as a receipt of producer milk. The change in the definition would merely state that producer milk received at a pool plant does not include milk received from a cooperative association for which it is the handler.

2. **Pool plants and other regulated plants.** The definition of pool plant should be modified so that plants distributing milk on routes in the marketing area may qualify on the basis of a 50 percent utilization as Class I milk on routes in the months of August through March and a 40 percent utilization as Class I milk on routes in all other months (other than bulk transfers to other pool plants) of the milk from (1) producers for which the plant operator is the receiving handler, and (2) supply plants, providing 10 percent of the Class I disposition on routes is on routes in the marketing area. If more than one approved plant is operated by a handler, he should be permitted to combine the

receipts and utilization of these plants for the purpose of qualifying all of them under the percentage requirements. The 500-pound per day exemption from regulation should be eliminated.

The definitions of plants to be regulated depends also on the terms "approved plant" and "route". An approved plant is a plant in which milk or milk products are processed or packaged and from which fluid milk products are disposed of on routes in the marketing area, or a plant which ships milk qualified for fluid consumption to a plant distributing milk on routes in the marketing area. This definition was considered on the record, but no change was recommended. A change adopted for the purpose of clarification would specify that the second type of approved plant does not include any plants of the first type.

The definition of "route" as now in the order is not adequate in that it is limited to disposition in containers of 5 gallons or less. There is some disposition of fluid milk products in the marketing area, in containers larger than 5 gallons, to establishments where such products are used for fluid consumption. Such disposition should be subject to regulation under the order in the same manner as other Class I milk disposition. Further, in order to assure proper application of regulation, the term "route" should include all disposition by a plant in forms of Class I milk except disposition in bulk to other approved plants or milk which is accounted for as Class II milk disposed of in bulk to plants which are not approved plants. For the purpose of qualifying plants for pool status, this change in the route definition will give the plant credit for all normal Class I milk disposition except bulk milk disposed of to other pool (or approved) plants. The credit for pool qualification will thus include transfers of packaged milk to other approved plants. This will meet one difficulty which a plant regularly supplying large quantities of packaged milk to other pool plants has experienced in qualifying for pool status.

Other considerations as to the qualification of pool plants relate to the functions of plants within the entire marketing system. The plants which serve as essential parts of the supply system are of various types. Some plants use a high percentage of their milk receipts for Class I disposition, while others use as much as half of their receipts in manufacture of milk products. This situation exists largely because the latter type of plant processes reserve milk for the first type of plant. The reserve is shifted to the first type of plant when needed.

Two plants which distribute milk in the marketing area also process reserve milk for other plants. The plant of the Weber Central Dairy Association at Ogden, Utah, handles reserve milk for plants of several other handlers. The plant of the Hi-Land Dairy Association at Roosevelt, Utah, handles reserve milk for the Association's plant at Murray, Utah. These two plants have disposed of as Class I on routes less than 50 percent of their receipts from Grade A dairy farmers. As a result these plants did not qualify as pool plants until the 50

percent utilization requirement (in Class I) was suspended.

One method of recognizing that some of the milk handled by these plants is reserve for other plants is by distinguishing which handler is accountable under the order as receiving the milk from producers. This is possible because in the case of reserve milk handled at the Ogden plant, a large part of it is milk for which another cooperative association would normally be the handler receiving it from producers in tank trucks operated by it. On the basis of the remaining milk for which the Weber Central Dairy Association would be the handler receiving it from producers, it would be possible to maintain a utilization of 50 percent as Class I milk at nearly all times. In order to allow for the seasonal increase in production in the spring, the utilization requirement in Class I should be 40 percent in April, May, June and July and 50 percent in other months.

In the case of the plant at Roosevelt, the preceding method would not provide relief, since both it and the plant at Murray are operated by the same handler. If the handler is permitted to qualify both plants on the basis of combined receipts and utilization, the combined operation could qualify for pool status on the same basis as other plants in the market. It is concluded that such a combined basis for pool qualification should be adopted. For other purposes, however, the plants should be considered as separate plants.

No plant is now receiving milk from a supply plant. A supply plant is one which is associated with the market on the basis of shipping to plants which distribute in the marketing area. Receipts from a supply plant should be included in the receipts for which a pool plant should show at least 50 percent utilization in Class I as described above or 40 percent in the months of the April-July period.

Producer and handler witnesses requested that the exemption of 500 pounds per day of distribution in the marketing area be eliminated both with respect to the pool plant revision and compensatory payments. It was pointed out that the exemption provision does not fit the situation for which a similar exemption of 2,000 pounds a day was requested in the hearing in October 1958. The deletion of this provision was requested so that it would not be possible for any handler to sell such quantity of milk in the market without being subject to regulation. No objection was made at the hearing to the elimination of this exemption. This proposal would make the order more completely effective and is adopted.

**Rulings on proposed findings and conclusions.** Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such con-

clusions are denied for the reasons previously stated in this decision.

**General findings.** The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

**Recommended marketing agreement and order amending the order.** The following order amending the order regulating the handling of milk in the Great Basin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 963.7 and substitute the following:

#### § 963.7 Producer.

"Producer" means a dairy farmer (except a producer-handler or a dairy farmer who during the current month qualifies as a producer under another Federal milk order) who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption to agencies of the United States Government located in the marketing area) which milk is delivered directly from such farm to a pool plant during the month or is diverted.

#### § 963.9 [Amendment]

2. In § 963.9(a) delete "§ 963.7" and substitute: "§ 963.13".

3. Delete § 963.10 and substitute the following:

#### § 963.10 Approved plant.

"Approved plant" means (a) a plant in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) a plant not described pursuant to paragraph (a) of this section from which milk or skim milk qualified for distribution for fluid consumption is shipped during the month to a plant described in paragraph (a) of this section.

#### § 963.11 [Amendment]

4. a. Delete § 963.11(a) and substitute the following:

(a) An approved plant, except the plant of a producer-handler as described in § 963.8, from which during the month there is disposed of on routes fluid milk products equal to not less than 50 percent in the months of August through March and 40 percent in other months of the receipts during the month at such plant of producer milk (including milk diverted by the plant operator) and of fluid milk products from plants described pursuant to § 963.10(b), and there are disposed of on routes in the marketing area fluid milk products equal to not less than 10 percent of the total fluid milk product disposition from the plant on routes: *Provided*, That if a handler operates more than one approved plant, the combined receipts and disposition of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator: *And provided further*, That any approved plant from which the total route disposition of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions shall not qualify as a pool plant pursuant to this paragraph.

b. In § 963.11(b) delete the words "diverted pursuant to § 963.7" and substitute the words "diverted pursuant to § 963.13".

#### § 963.13 [Amendment]

5. Delete § 963.13 (a) and (b) and substitute the following:

(a) Received from producers at a pool plant but not including producers for which another person is the handler pursuant to § 963.9(c);

(b) Diverted by a handler (not as the operator of a nonpool plant) from a pool plant to a nonpool plant or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant, in an amount for any producer equal to not more than 200 percent of the quantity of milk received from such producer at pool plants (exclusive of milk diverted) during the month: *Provided*, That such diverted milk shall be accounted for as a receipt of producer milk by the handler diverting the milk.

6. Delete § 963.16 and substitute the following:

**§ 963.16 Route.**

"Route" means any disposition of fluid milk products (including through a vendor or disposition from a plant or plant store) in a form designated as Class I milk pursuant to § 963.41(a) except in bulk form to approved plants and except Class II milk disposition to plants which are not approved plants.

**§ 963.42 [Amendment]**

7. In the language preceding paragraph (a) delete the words "in the case of transfers to nonpool plants."

**§ 963.62 [Amendment]**

8. Delete the words "less 500 pounds per day."

Issued at Washington, D.C., this 20th day of January 1960.

ROY W. LENNARTSON,  
Deputy Administrator.

[F.R. Doc. 60-706; Filed, Jan. 22, 1960;  
8:51 a.m.]

**[ 7 CFR Part 973 ]**

[Docket No. AO-178-A11]

### **MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA**

#### **Amended Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order, as Amended**

Notice is hereby given that the hearing on proposed amendments to the tentative marketing agreement and order, as amended, regulating the handling of milk in the Minneapolis-St. Paul marketing area originally scheduled to begin at 9:00 a.m., January 22, 1960, in the Basement Auditorium, 1750 Hennepin Avenue, Minneapolis, Minnesota, is hereby postponed. A new time and place for the hearing will be announced.

Done at Washington, D.C., this 19th day of January 1960.

ROY W. LENNARTSON,  
Deputy Administrator.

[F.R. Doc. 60-699; Filed, Jan. 22, 1960;  
8:50 a.m.]

## **FEDERAL AVIATION AGENCY**

**[ 14 CFR Part 60 ]**

[Reg. Docket No. 245; Draft Release 60-2]

**JET ADVISORY AREAS****Special Civil Air Regulation**

Notice is hereby given that the Federal Aviation Agency has under consideration a proposal for the adoption of a Special Civil Air Regulation as herein-after set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York

Avenue NW., Washington 25, D.C. All communications received prior to March 25, 1960, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for the return of comments has expired. Because of the large number of comments which are anticipated in response to this proposal, the Bureau of Air Traffic Management will be unable to acknowledge each reply.

With the advent of commercial turbojet operations in the United States, certain jet routes were specified within the continental control area along which civil turbojet air carriers are required to operate. These routes were selected after a study of the available navigation, radar, communication and air traffic control facilities. Through the cooperation of the United States Air Force Air Defense Command (ADC), selected long-range Air Force radar facilities were made available for joint use by the Federal Aviation Agency. In this manner, the Federal Aviation Agency is presently providing radar flight following and traffic advisory service to U.S. turbojet air carrier flights while operating along certain jet routes in the continental control area. While this service does not provide positive separation, it does enhance safety by assisting pilots in avoiding collision.

Although the requirements for turbojet air carrier flights to operate along specified jet routes have been clearly established heretofore in the respective air carriers' operations specifications, it is proposed to prescribe similar requirements herein, in regulatory form, together with the rules applicable to other civil and military flights.

While these rules will require U.S. and foreign turbojet air carrier flights to operate within jet advisory areas under instrument flight rules at all times while within the continental control area, the need is recognized for flexibility to allow pilots to proceed to an alternate airport, the avoidance of certain weather phenomena and the establishment of alternate routes when pertinent radio aids are inoperative. Therefore, under the provisions of this proposal, such deviations may be authorized by air traffic control.

In order to provide radar flight following and advisory service, such aircraft will be required under this proposal to be equipped with a functioning radar beacon transponder adjusted to the proper mode and/or code. This requirement increases the capabilities of ground radar facilities to detect, identify, and display turbojet air carrier flights.

While a functioning beacon transponder is not mandatory for other civil and military flights, certain operations restrictions are, however, necessary in regard to those flights not so equipped, in order to provide radar advisory service to the civil turbojet air carrier flights. For example, the proposed rule requires authorization by air traffic control be-

fore any civil or military aircraft not equipped with a functioning radar beacon transponder may be operated within jet advisory areas.

Due to the fact there are areas of non-radar coverage in some portions of the jet advisory areas, additional requirements are being established for operations in those areas until such time as radar service becomes available. United States turbojet air carrier flights presently are authorized to operate only between flight levels 270 and 310, inclusive, while in such nonradar areas. However, it is proposed herein to authorize operation at flight levels 370 and 390, inclusive, in addition to those levels presently used. This action is considered essential to provide for the higher altitude operational characteristics of more advanced turbojet transports soon to be in operation. Other civil and military flights operating between flight levels 270 and 310, and between flight levels 370 and 390, will be required to obtain prior authorization, regardless of radar beacon status prior to flight within nonradar jet advisory areas. Although this proposal defines basic vertical dimensions for radar and nonradar areas, it is anticipated that in some cases these will be adjusted commensurate with radar coverage to achieve the maximum utilization of existing radar facilities and thus reduce the nonradar areas to a minimum. Therefore, it may be necessary in some cases to designate a radar advisory area which overlies a nonradar area.

Jet advisory areas are proposed to be established coincident to those jet routes specified for air carrier and foreign air carrier turbojet aircraft use in Part 602 of the regulations of the Administrator. Unless otherwise designated by the Administrator, these areas shall have lateral dimensions of 16 statute miles on either side of the jet routes. While this specifies lateral dimensions for jet advisory areas, it also recognizes that it may be desirable in certain cases to reduce these dimensions to obtain additional traffic capacity and flexibility through the use of multiple routes or to avoid encroachment on prohibited areas, essential restricted areas or other essential maneuvering areas. Such reductions will be considered the exception rather than the rule and will be approved after the requirement for such exceptions has been established.

Another significant consideration is the requirement for additional airspace to permit the optimum handling of departing and arriving aircraft at the major terminals. Accordingly, this proposal provides for the establishment of transitional radar areas which shall be published in the Regulations of the Administrator.

Any revisions to the airspace dimensions of the jet advisory areas and the establishment of transitional radar areas shall be in accordance with normal rule making notice and public procedure.

In consideration of the foregoing, it is proposed to promulgate the following Special Civil Air Regulation:

*Jet advisory area rules.* The special air traffic rules prescribed in this regulation

shall apply to the operation of all aircraft within the continental control area.

1. *Jet advisory areas.* As used in this regulation, the term "jet advisory areas" shall mean that airspace within which the air traffic rules contained in this Special Civil Air Regulation shall apply for the purpose of providing additional traffic advisory service. Unless otherwise designated in the regulations of the Administrator, jet advisory areas shall include the following airspace.

(a) Nonradar jet advisory areas shall have a lateral dimension of 16 statute miles on either side of specified jet routes between flight levels 270 and 310, inclusive, 370 and 390, inclusive, and,

(b) Radar jet advisory areas shall have lateral dimensions of 16 statute miles on either side of specified jet routes between flight levels 240 and 390, inclusive. Additional terminal jet radar advisory areas, to provide for the arrival and departure requirements at major air terminals, may be designated in the regulations of the Administrator in accordance with normal rule making process.

NOTE: Jet advisory areas, including the portions of such areas having radar and nonradar coverage, are also depicted on Flight Information Publication "En Route—High Altitude (U.S.)," published by the Aeronautical Chart and Information Center, Air Photographic and Charting Service (MATS), USAF, Second and Arsenal Streets, St. Louis 18, Missouri, and on the U.S. Coast and Geodetic Survey Radio Facility Chart entitled "High Altitude—Enroute," compiled and printed in Washington, D.C., by the U.S. Department of Commerce.

2. *Air carrier and foreign air carrier turbojet operations.* No turbojet aircraft engaged in the carriage of passengers in scheduled air transportation shall be flown within the continental control area except in accordance with the following rules:

(a) The aircraft shall be flown only in the airspace designated as a jet advisory area, unless otherwise authorized by air traffic control.

(b) The aircraft shall be operated in accordance with the instrument flight rules of Part 60 of the Civil Air Regulations.

(c) The aircraft shall be equipped with a functioning radar beacon transponder.

3. *Other aircraft.* In addition to the air traffic rules of Part 60, the following rules shall apply to any aircraft not subject to section 2 of this regulation when operated within jet advisory areas in accordance with VFR, or in accordance with IFR when cleared to maintain "VFR conditions," or "VFR conditions on top."

(a) *In radar jet advisory areas.* (1) Aircraft equipped with a functioning radar beacon transponder shall operate the transponder to reply on such mode and/or code as may be specified by air traffic control for the area in which flight is conducted.

(2) Aircraft not equipped or operated in accordance with the requirements specified in subparagraph (1), shall obtain specific prior authorization from air traffic control, except that in the event of radio failure precluding the obtaining of authorization, such flights may transit jet advisory areas by maintaining the appropriate VFR cruising altitude specified in § 60.32 of Part 60 of the Civil Air Regulations.

NOTE: Mode and/or code requirements and other detailed operational procedures for the radar beacon transponder are published in the Airman's Guide, and are also depicted on Flight Information Publication, "En Route—High Altitude (U.S.)," and U.S. Coast and Geodetic Survey Radio Facility Chart, "High Altitude—En Route."

(b) *In nonradar jet advisory areas.* All aircraft, including those equipped with a functioning radar beacon transponder, shall obtain specific authorization from air traffic

control prior to operating within the area of nonradar coverage of a jet advisory area.

This regulation is proposed under the authority of sections 313(a) and 307(c) of the Federal Aviation Act of 1958 (72 Stat. 752, 749; 49 U.S.C. 1354, 1348).

Issued in Washington, D.C., on January 15, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-675; Filed, Jan. 22, 1960;  
8:45 a.m.]

## [ 14 CFR Part 600 ]

[Airspace Docket No. 59-FW-81]

### FEDERAL AIRWAYS

#### Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6094 and 600.6018 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 94 extends, in part, from Gregg County, Tex., to Monroe, La. VOR Federal airway No. 18 extends, in part, from Shreveport, La., to Monroe. The Federal Aviation Agency has under consideration the redesignation of Victor 94 from Gregg County to Monroe and redesignation of the south alternate to Victor 18 from Shreveport to Monroe. These airways coincide from Bryceland, La., to Monroe. It is proposed to realign the Gregg County-Monroe segment of Victor 94 via the intersection of the Gregg County VOR 091° and the Monroe 268° radials. This modification would relocate this segment of Victor 94 to overlie the Barksdale AFB, La., terminal VOR which is located 2 miles north of the centerline of Victor 94 as now designated. The Barksdale terminal VOR is the primary approach aid for aircraft landing at Barksdale. Jet aircraft executing approaches to Barksdale are required to maintain an altitude of at least 20,000 feet MSL until 15 miles south of the terminal VOR to provide protection for aircraft operating along Victor 94 at 19,000' MSL and below. This modification would reduce this distance by 2 miles thereby reducing the approach flying time and facilitating air traffic management. Concurrently it is proposed to redesignate Victor 18-S from Shreveport to Monroe via the intersection of the Shreveport VOR 117° and the Monroe VOR 268° radials, to coincide with the proposed realignment of Victor 94, thereby simplifying the airway structure. The control areas associated with Victor 94 and Victor 18 are so designated that they would automatically conform to the modified airways. Accordingly, no amendment relating to such areas would be necessary.

If these actions are taken, the segment of VOR Federal airway No. 94 from Gregg County, Tex., to Monroe, La., would be designated via the intersection

of the Gregg County VOR 091° and the Monroe VOR 268° radials. The south alternate to Victor 18 from Shreveport to Monroe would be designated via the intersection of the Shreveport VOR 117° and the Monroe 268° radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 18, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-674; Filed, Jan. 22, 1960;  
8:45 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 59-NY-21]

### CONTROL AREAS

#### Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1164 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration modification of the Quonset Point, R.I., control area extension. The Quonset Point, R.I., control area extension is presently designated as all that airspace bounded by a line beginning at a point on the southern boundary of Red Federal airway No. 94 at latitude 41°35'00" N., longitude 71°06'30" W., thence westward along that airway boundary to the southeastern boundary of Red Federal airway No. 21, thence southwesterly along the

## PROPOSED RULE MAKING

southeastern boundary of that airway to latitude 41°32'00" N., longitude 71°33'25" W., thence perpendicularly south-eastward to a point 3 miles from the southwest course of the Providence, R.I., radio range, thence southwestward paralleling the southwest course of the Providence, R.I., radio range to a point at latitude 41°17'00" N., longitude 71°44'45" W., on an arc of a circle with a 27-miles radius centered on the Quonset Point, R.I., NAS radio range station, thence counterclockwise along this arc to latitude 41°17'15" N., longitude 71°00'40" W., thence northwestward to latitude 41°29'25" N., longitude 71°12'00" W., thence northeastward to latitude 41°35'00" N., longitude 71°06'30" W., point of beginning. It is proposed to redesignate the Quonset Point control area extension to include the area bounded on the west by VOR Federal airway No. 139, on the north by the 102° True radial of the Providence, R.I., VOR, on the east by the Falmouth, Mass., control area extension, on the south by control area extension 1169, including the airspace within the restricted areas contained therein. The proposed modification would enlarge the Quonset Point control area extension to provide additional control area southeast of Quonset Point, which would provide protection for the high volume of arriving and departing air traffic at the Quonset Point Naval Air Station. It would also facilitate the movement of aircraft between the Naval Air Station and aircraft carriers and the Air Defense Identification Zone southeast of Quonset Point. The eastern portion of the proposed control area would be utilized jointly by the Quonset Point Naval Air Station and the Otis Air Force Base, Falmouth, Mass., for radar vectoring and maneuvering jet aircraft in holding patterns and while conducting instrument approaches.

If this action is taken, the Quonset Point Control Area Extension (§ 601.1164) would be redesignated to include the area bounded on the west by VOR Federal airway No. 139, on the north by the 102° True radial of the Providence, R.I., VOR, on the east by the Falmouth, Mass., control area extension, on the south by control area extension 1169, including the airspace within the restricted areas contained therein.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such con-

ferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 18, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-673; Filed, Jan. 22, 1960;  
8:45 a.m.]

## [ 14 CFR Part 608 ]

[Airspace Docket No. 59-KC-30]

## RESTRICTED AREAS

## Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.30 of the regulations of the Administrator, the substance of which is stated below.

The Hammond Bay, Mich., Restricted Area (R-424), is an area of 827 square miles, located over Lake Huron, designated to contain air-to-air gunnery, during daylight hours from the surface to unlimited altitudes. The area is controlled by the Kincheloe AFB, Mich. The Federal Aviation Agency has under consideration the modification of the Hammond Bay Restricted Area by relocating the area approximately 8 miles to the northeast of its present location which would eliminate conflict with the Alpena, Mich., control area extension, and would permit aircraft flight along the northeast coast of Michigan without penetrating the restricted area. The relocated Hammond Bay Restricted Area will consist of approximately the same dimensions, with the exception of designated altitudes. The altitude limits would be designated from the surface to 45,000 feet MSL. Concurrently with this action, the time of use would be designated from sunrise to sunset, and the controlling agency more specifically defined as the Commanding Officer, 507th Fighter Group, Kincheloe AFB, Mich. The Air Force report of activity in R-424 shows no requirement for altitudes above 45,000 feet.

If these actions are taken, the Hammond Bay, Mich., Restricted Area (R-424) (Green Bay Chart) would be designated as follows:

Description by geographical coordinates. Beginning at latitude 45°56'30" N., longitude 83°53'30" W., thence to latitude 45°34'00" N., longitude 83°03'00" W., thence

to latitude 45°23'00" N., longitude 83°18'00" W., thence to latitude 45°46'00" N., longitude 84°08'00" W., thence to point of beginning.

Designated altitudes. Surface to 45,000 feet MSL.

Time of use. Sunrise to sunset.

Controlling agency. Commanding Officer, 507th Fighter Group, Kincheloe AFB, Mich.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on January 18, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-676; Filed, Jan. 22, 1960;  
8:46 a.m.]

## [ 14 CFR Part 608 ]

[Airspace Docket No. 59-NY-32]

## RESTRICTED AREAS

## Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.38 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Air Force for modification of the Warren Grove, N.J., Restricted Area (R-26). The Warren Grove Restricted Area, is an area of 30 square miles in the southeastern part of New Jersey, northeast of Atlantic City. It was designated for flight testing special weapons from the surface to 4,000 feet MSL and during all hours each day.

The controlling agency is Commander, Naval Air Bases, Fourth Naval District, Lakehurst NAS, N.J.

The Department of the Navy has advised that there is no longer a Navy requirement for use of this Restricted Area. The Department of the Air Force has requested modification of the Warren Grove Restricted Area for use by the New Jersey Air National Guard for conducting rocketry, skip bombing, and strafing from the surface to 4,000 feet MSL, from 0800 to 1800 EST, Friday, Saturday, and Sunday, from September 1 to May 31, annually; and 0800 to 1800 EST each day from June 1 to August 31, annually. Consistent with the foregoing, it is proposed to modify the Warren Grove Restricted area by redesignating it to include approximately the same amount of airspace in the same general area, but with slightly realigned boundaries. The 108th Tactical Fighter Wing (SD), New Jersey Air National Guard, McGuire AFB, N.J., would be designated as the controlling agency.

If this action is taken, the Warren Grove, N.J., Restricted Area (R-26) (Washington Chart) would be designated as follows:

*Description by geographical coordinates.* Beginning at latitude 39°46'10" N., longitude

74°20'14" W.; to latitude 39°43'25" N., longitude 74°17'37" W.; to latitude 39°38'36" N., longitude 74°23'27" W.; to latitude 39°39'50" N., longitude 74°25'52" W.; to latitude 39°43'58" N., longitude 74°24'13" W.; to point of beginning.

*Designated altitudes.* Surface to 4000 feet MSL.

*Time of designation.* 0800 to 1800 e.s.t., Friday, Saturday and Sunday during September through May, annually; and 0800 to 1800 e.s.t. daily during June through August, annually.

*Controlling agency.* New Jersey Air National Guard 108th Tactical Fighter Wing (SD), McGuire AFB, N.J.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional

Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 18, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-677; Filed, Jan. 22, 1960; 8:46 a.m.]

## NOTICES

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### BLOOMINGTON LIVESTOCK COMMISSION CO. ET AL.

#### Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Bloomington Livestock Commission Co., Bloomington, Ill.  
Edmonton Livestock Market, Edmonton, Ky.  
Krumsville Livestock Market, Lenhartsville, Pa.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of January 1960.

DAVID M. PETTUS,  
Director, Livestock Division,  
Agricultural Marketing Service.

[F.R. Doc. 60-708; Filed, Jan. 22, 1960; 8:53 a.m.]

#### Agricultural Research Service CERTAIN PRODUCTS CONTAINING HEPTACHLOR

#### Notice of Cancellation of Registrations Under the Federal Insecticide, Fungicide, and Rodenticide Act

On January 19, 1960, the Commissioner of Food and Drugs, Department of Health, Education, and Welfare, published an order in the FEDERAL REGISTER (25 F.R. 404) establishing a tolerance of zero for the combined residues of the pesticide chemical heptachlor (1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene) and heptachlor epoxide (1,4,5,6,7,8,8-heptachloro-2,3-epoxy-2,3,3a,4,7,7a-hexahydro-4,7-methanoindene) in or on each of the following raw agricultural commodities:

Alfalfa, apples, barley, beets (including sugar beets), black-eyed peas, brussels sprouts, cabbage, carrots, cauliflower, cherries, clover, corn, cotton, cowpeas, grain, sorghum (milo), grapes, grass (pasture and range), kohlrabi, oats, onions, peaches, peanuts, peas, pineapple, potatoes, radishes, rutabagas (yellow turnips) without tops, rye, sugarcane, sweet clover, sweetpotatoes, tomatoes, turnips (including tops), wheat.

Prior to this order, there had been established a tolerance of 0.1 part per million for residues of heptachlor in or on the crops cited.

Many products containing heptachlor are currently registered under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135-135k) with label directions for use on food crops. Certain of these directions were accepted on the basis of use patterns which would not leave residues of heptachlor in excess of established tolerances.

In view of the above-mentioned order, which was made effective upon publication in the FEDERAL REGISTER, registrations under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act of products with directions for use specifying the application of heptachlor on any of the crops named in accordance with patterns established to meet the 0.1 ppm tolerance of heptachlor are being canceled immediately and the registrants so notified. Any registrant who wishes to reregister a formulation containing heptachlor for use on the crops named may submit revised labeling bearing directions for use which will meet the tolerance of zero for combined residues of heptachlor and heptachlor epoxide.

(Sec. 6, 61 Stat. 168; 7 U.S.C. 135d; 7 CFR 362.3)

Done at Washington, D.C., this 19th day of January 1960.

M. R. CLARKSON,  
Acting Administrator.

[F.R. Doc. 60-709; Filed, Jan. 22, 1960; 8:53 a.m.]

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Dept. Circ. 570, 1959 Revision, Supp. No. 9]

### CENTRAL MUTUAL INSURANCE CO.

#### Surety Company Acceptable on Federal Bonds

JANUARY 20, 1960.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of \$1,277,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1960. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

*State in Which Incorporated, Name of Company, and Location of Principal Executive Office*

Ohio: Central Mutual Insurance Co.; Van Wert, Ohio.

[SEAL] JULIAN B. BAIRD,  
Acting Secretary of the Treasury.

[F.R. Doc. 60-704; Filed, Jan. 22, 1960; 8:51 a.m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

#### TRADE ROUTE NO. 29 U.S. PACIFIC/FAR EAST

#### Conclusions and Determinations Regarding United States Flag Service Requirements

Notice is hereby given that on January 18, 1960, the Maritime Administrator, acting pursuant to Section 211 of the Merchant Marine Act, 1936, as amended, found and determined that the Trade Route No. 29 conclusions and determinations as published in the FEDERAL REGISTER issue of February 14, 1959 (24 F.R. 1164) as amended by conclusions and determinations as published in the FEDERAL REGISTER issue of April 15, 1959 (24 F.R. 2878) should be further amended by the following:

1. Add to Item 2 before "Notes" the following: "During an interim period pending construction and introduction into service of a new passenger liner, in lieu of fortnightly sailings, 3 sailings per month of combination vessels serving California exclusively, supplemented by Round-the-World combination vessel sailings."

2. Amend the last paragraph of Item 4 by deleting that paragraph and inserting in lieu thereof: "The combination (P2-SE2-R3) passenger-cargo ships are suitable for operation on the route, the combination ship 'SS President Hoover'

is suitable for operation thereon for an interim period of two to three years and the combination ship 'SS Leilani' is suitable for operation thereon for an interim period. The latter two vessels are considered suitable as indicated pending construction and introduction into service of a new passenger liner suitable for long range operation with substantially greater speed and more passenger accommodations than the present P2-SE2-R3 type combination vessels."

Dated: January 20, 1960.

By order of the Maritime Administrator.

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 60-705; Filed, Jan. 22, 1960; 8:51 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 10755]

### EAGLE AIRWAYS (BAHAMAS) LTD.

#### Notice of Oral Argument

In the matter of the application of Eagle Airways (Bahamas) Ltd. for a foreign air permit for service between points in the Bahamas, the intermediate point Havana, Cuba and the co-terminal points Miami, Palm Beach, Fort Lauderdale and Tampa, Florida.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on January 29, 1960 at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW, Washington, D.C., before the Board.

Dated at Washington, D.C., January 20, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-710; Filed, Jan. 22, 1960; 8:53 a.m.]

[Order E-14851; Docket 11095]

### VOLUMAIR

#### Establishment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of January 1960.

In the matter of a resolution filed pursuant to section 412(a) of the Federal Aviation Act of 1958, by ATC on behalf of its members relating to the establishment of VOLUMAIR; Docket 11095, Agreement CAB 13204.

On May 26, 1959, the Air Traffic Conference of America (ATC) on behalf of its members filed for approval under section 412 of the Federal Aviation Act of 1958, a resolution,<sup>1</sup> to become effective

<sup>1</sup> This resolution was the result of action taken in an ATC meeting held April 28-30, 1959, and was concurred in by 35 of ATC's regular members. ATC also submitted a covering letter describing, in brief, the contemplated activities and operating procedures of VOLUMAIR.

five days after Board approval, which authorizes the creation of a section within the Military Bureau of the ATC to be known as "VOLUMAIR."

According to the resolution, the purpose of VOLUMAIR will be to facilitate mass movements of passengers or cargo by air, requiring the entire capacity of one or more aircraft, by making it easier to coordinate available airlift capacity with charter demands that cannot be met fully by a single carrier; provide a central source or clearing house for scheduled carriers through which they can obtain information, with a minimum amount of expenses and effort, concerning the availability of airlift which can be used in connection with the performance of charter movements; help achieve maximum use of scheduled airline equipment, personnel and service; provide more effective use of equipment which might otherwise remain idle; and enhance scheduled carrier capability to serve fully large movements of passengers and cargo.

The resolution further provides that VOLUMAIR will furnish its services with respect to both passengers and cargo moving in domestic carriage on charter services;<sup>2</sup> that VOLUMAIR will not seek, solicit or accept business from charter groups, commercial accounts, cargo or travel agents or any other commercial source unless specifically authorized by the ATC to do so; and that the use of VOLUMAIR's facilities or services by any carrier or carriers shall be elective.

In substance, the proposal provides that when a member carrier of ATC is unable to take care of a requested lift it will notify VOLUMAIR.<sup>3</sup> When VOLUMAIR receives such a request, it will transmit the lift requirement to all carrier members of VOLUMAIR. Any carrier who desires to participate will advise VOLUMAIR of its capability and price, and VOLUMAIR will immediately transmit this information to the requesting carrier. This carrier will then select the participating carrier or carriers and advise VOLUMAIR of its choice. VOLUMAIR will then notify the carrier or carriers who have not been selected of such refusal. The originating carrier shall notify the carrier or carriers whose lift was accepted and coordinate the lift directly with such carrier or carriers. The resolution further provides that when VOLUMAIR receives a request directly from a prospective charterer, it shall suggest that he contact the airlines in his locality to arrange movement. In the event this is not satisfactory to the user, VOLUMAIR shall immediately refer such request to all participants in VOLUMAIR and shall maintain no further contact with the prospective user. In this event, each member carrier will negotiate directly with the prospective charterer.

<sup>2</sup> ATC advises that VOLUMAIR's services will be utilized only for commercial charters, and not military movements.

<sup>3</sup> ATC contemplates that the member carriers will follow their normal procedures to obtain the necessary lift before referring any request to VOLUMAIR.

In addition to the carriers' responsibilities mentioned above, the resolution further provides that each member carrier shall, *inter alia*, fulfill its commitments in accordance with applicable tariffs and charter contracts; be responsible for securing completion of individual charter contracts, either through the requesting carrier or directly with the user; and process its own billing, either through the requesting carrier or directly with the user.

ATC states that, under this proposal, VOLUMAIR will not deal directly with, or solicit the public,<sup>4</sup> nor will VOLUMAIR become involved in the actual pricing of movements. In addition, ATC points out no carrier's equipment will be assigned to VOLUMAIR.

According to ATC, the advantages VOLUMAIR would offer the general public are as follows:

(1) The provision of this central source of information will provide the public with a time and money saving device for securing airlift. At present, it is often necessary for the prospective charterer to make innumerable calls to various carriers in order to obtain the lift desired; and

(2) The fact that an airlift may be directed to VOLUMAIR through one of the participating carriers offers the public the advantage of close coordination to secure factual answers to requests with the knowledge that all available industry services have been exposed to their requirements.

By letter filed August 26, 1959, Capitol Airways, Inc. (Capitol) requested the Board to order a full public hearing on the proposal and that it be permitted to intervene, present testimony and participate in all respects in said hearing. In support of its request Capitol contends, *inter alia*, that it would be inconsistent with the public interest to approve the agreement without a full evidentiary hearing, since the proposal and ATC's presentation raise the serious question of whether the proposal would be inconsistent with the Board's policy respecting the role of the supplemental air carriers in the domestic charter market, and that the proposal leaves unanswered certain important questions relating to the operational procedures of VOLUMAIR. Northwest Airlines, Inc. (Northwest) and American Airlines, Inc. (American) by letters filed September 29 and 30, 1959, respectively, requested the Board to deny Capitol's request for an evidentiary hearing and approve the agreement forthwith.<sup>5</sup>

After examining the agreement, the Board has concluded that it is a cooperative working arrangement among air carriers affecting air transportation, and thus subject to Board action under section 412(a) of the Act. In determining whether the agreement should be approved or disapproved under section 412(b) of the Act, the Board must determine whether the agreement is adverse

to the public interest or in violation of the Act. Among the criteria of public interest are those enumerated in section 102 of the Act. In addition, in determining whether a particular agreement should be approved under section 412, the Board must take into consideration applicable antitrust laws and consider the agreement's probable impact on the air transportation system as a whole.

The Board has tentatively concluded that the questions set forth in Appendix A, among others, are relevant in determining whether the agreement is consistent with the public interest and does not violate any provisions of the Act.

There is no statutory requirement for a hearing in respect of agreements filed under section 412 of the Act. However, the Board's ultimate decision to approve or disapprove the instant agreement may involve a very important question of policy with respect to the respective roles of the supplemental and scheduled industries in the charter market. In addition, the agreement, if approved, may have a very substantial effect on air carriers who are not parties to the agreement and the general public. It, therefore, appears that some form of hearing is appropriate.

The Board tentatively concludes that the questions set forth in Appendix A can be resolved by affording all interested parties the opportunity to express their views, written and oral, before the Board. However, it may develop that important factual issues, the answers to which are necessary for a determination of Board approval or disapproval, will not be resolvable without an evidentiary hearing. For this reason, the Board will include as one of the issues to be explored at oral argument the issue of whether an evidentiary hearing will be required.

Accordingly, the Board invites all interested parties to indicate their desire to participate in the oral argument by submitting a written request therefor together with a written statement of their views and comments directed at each of the issues outlined in Appendix A at least ten days prior to oral argument: *Therefore, it is ordered:*

1. That this proceeding be and it is hereby set down for oral argument before the Board on February 18, 1960;

2. That all persons desiring to participate in the oral argument shall file with the Board a written request to participate in such oral argument, together with a written submission of their views and comments directed at each of the issues outlined in Appendix A not later than ten days prior to the date fixed for the oral argument in paragraph 1 above;<sup>6</sup>

3. That the requests of Capitol, Northwest and American, to the extent that they are not granted herein, be and they hereby are denied; and

4. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board,

[SEAL]

MABEL McCART,  
Acting Secretary.

<sup>6</sup> An original and 19 copies of such requests and submissions shall be filed with the Docket Section.

## APPENDIX A

### TENTATIVE STATEMENT OF ISSUES

1. Will the operation of the agreement have an undue adverse effect on the supplemental air carrier industry?

a. Will the agreement result in the control or domination of the domestic charter market by the participating carriers in VOLUMAIR, to the detriment of the supplemental air carrier industry by virtue of the size of their fleets, the types of aircraft which they operate, their economic resources and their possible advantage of market identity?

2. Is the agreement repugnant to antitrust principles?

a. Will the agreement result in a restraint of trade adversely affecting other air carriers not parties to it, or reducing competition among the participating carriers?

b. Will the agreement result in the participating carriers obtaining a monopoly in the charter market?

3. If the agreement is found to be contrary to antitrust principles or is found to have an adverse effect on the supplemental air carrier industry, is it nonetheless required by a serious transportation need or in order to secure important public benefits?

a. Is the present civilian domestic charter market being adequately served by the participating carriers, individually, and the supplemental air carriers?

b. Will the agreement enable the participating carriers to utilize surplus equipment pending disposition thereof which they are not able to utilize by their individual efforts?

(i) How much surplus equipment do the participating carriers have on hand; what economic situation does this create; and, how long will this situation exist?

(ii) What are the procedures currently utilized by the individual member carriers of ATC when they are unable to accommodate charter requests?

4. Would the agreement, if effectuated, violate any provisions of the Act or the Board's Economic Regulations?

a. What will be the relationship between (1) the requesting carrier and the participating carrier(s), and (2) the participating carrier(s) and the chartering group?<sup>1</sup>

5. Is the fact that the Board has approved group activity in the commercial charter field by the supplemental carriers a valid reason for permitting similar activity by the scheduled operators?

In addition to the foregoing, a resolution of the following questions, among others, respecting the proposed operations of VOLUMAIR is necessary in order to determine the probable effect VOLUMAIR will have on carriers not parties to the agreement, the air transportation system as a whole and the traveling public.

6. How will VOLUMAIR's services be made known to the public?<sup>2</sup>

a. Will the individual carriers, as part of their individual sales programs advertise the services of VOLUMAIR?

(i) If so, what plans, if any, do the carriers have in this respect? [i.e., what type of advertising media is contemplated (viz. newspapers, radio, television, pamphlets, letters, etc.); do the carriers plan on utilizing advertising media directed solely to the promotion of VOLUMAIR's services; how much

<sup>1</sup> In this connection, it should be noted that it is not clear whether the participating carriers would charter their aircraft to the requesting carrier, an apparent violation of § 207.1(4) of the Board's Economic Regulations, or would enter into separate contracts with the charterers.

<sup>2</sup> One of the stated advantages of VOLUMAIR is that it "offers the public the advantage of close coordination to secure factual answers to requests with the knowledge that all available industry services have been exposed to their requirements".

<sup>4</sup> As previously noted, however, the resolution provides that VOLUMAIR will not do so, "unless specifically authorized to do so by the Air Traffic Conference of America."

<sup>5</sup> The above comments have been filed in the public docket.

do the individual carriers plan on spending to promote VOLUMAIR's services; do the carriers plan on setting aside personnel whose sole function will be to promote VOLUMAIR's services, etc.]

b. Do the individual carriers plan on informing travel agents and/or tour conductors of VOLUMAIR's services?

(1) If so, what steps are contemplated in this regard?

c. Will VOLUMAIR itself advertise or promote its services?

(1) If so, what are its plans in this respect?

(11) In what event or circumstances would ATC authorize VOLUMAIR to seek, solicit or accept business from charter groups or agents?

7. Is it contemplated that VOLUMAIR's services will be utilized if the carrier originally contacted by the charterer is unable to perform the entire lift or any part thereof?

a. If so, how would VOLUMAIR operate in this situation and what role would the original carrier unable to perform play?

8. Is it contemplated that a so-called requesting or originating carrier who receives a charter request through a travel or sales agent will refer such a request to VOLUMAIR in the event such a carrier cannot perform the entire lift?

a. If so, will the requesting carrier pay the agent the full commission or will there be some sort of pro rata payment by the various carriers?

9. Precisely what part will ATA or ATC play in the operation of VOLUMAIR?

a. Is the proposed plan of operation of VOLUMAIR for commercial charters similar to that currently followed by the Military Affairs Bureau of ATC for military charters?

b. Is it contemplated that the same personnel employed to handle military charters would also handle civilian charters under VOLUMAIR?

(1) If not, explain how VOLUMAIR would be staffed and what provision has been made in the ATA budget for it?

[F.R. Doc. 60-711; Filed Jan. 22, 1960; 8:53 a.m.]

[Docket 10920]

## NONPRIORITY MAIL RATE CASE

### Corrected Notice of Hearing

In the matter of rates for the transportation by air of nonpriority mail in domestic and offshore service.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, particularly section 406 thereof, that the above-entitled proceeding is hereby assigned for hearing on February 1, 1960, at 10 a.m., in room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

In this proceeding, the Board will fix and determine the fair and reasonable rates of compensation for the transportation by aircraft, on a nonpriority basis, of all classes of mail other than air mail and air parcel post, the facilities used and useful therefor, and the services con-

<sup>3</sup> As distinguished from the situation where the carrier originally contacted (the "requesting" carrier) is able to perform part of the lift.

nected therewith, and prescribe the method or methods for ascertaining such compensation. The rates will be applicable to the transportation by air of nonpriority mail between points within the 48 contiguous States and between points in the 48 contiguous States, on the one hand, and Anchorage, Fairbanks, Ketchikan, Kodiak, Juneau, Yakutat, and Cordova, Alaska, Honolulu, Hawaii, and San Juan, Puerto Rico, on the other, and will be applicable to the 32 carriers named in order E-14559, dated October 16, 1959, to the extent they are authorized to carry mail within the above areas.

The issues are those specifically raised by the answers to the Board's order to show cause. For further details, interested persons are referred to the Board's order to show cause (order E-14559, dated October 16, 1959), the notices of objection and answers thereto, and the examiner's prehearing conference report and notices to the parties, all of which are on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before January 28, 1960, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., January 15, 1960.

[SEAL]

FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-759; Filed, Jan. 22, 1960; 9:01 a.m.]

## FEDERAL RESERVE SYSTEM

### OTTO BREMER CO.

#### Request for Determination; Order for Hearing Thereon

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 [12 U.S.C. 1843] and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by Otto Bremer Company, St. Paul, Minnesota, a bank holding company, for a determination by said Board that Foster County Agency, Inc., Carrington, North Dakota, and the proposed activities thereof are of the kind described in those provisions of the Act and the Regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

It is hereby ordered, That pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b).

222.7(a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on February 8, 1960 at 10:00 a.m., at the offices of the Federal Reserve Bank of Minneapolis, Minneapolis, Minnesota, before a duly selected hearing officer, such hearing to be conducted in accordance with the rules of practice for formal hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing officer to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, that "All such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings; *Provided, however*, That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before February 1, 1960, written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing officer for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing officer's decision in due course.

Dated at Washington, D.C., this 18th day of January 1960.

[SEAL]

MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 60-684; Filed, Jan. 22, 1960; 8:47 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. RI60-16 etc.]

### BARBARA OIL CO. ET AL.

#### Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>

JANUARY 15, 1960.

In the matters of Barbara Oil Company, Docket No. RI60-16; Gulf Oil Corporation, Docket No. RI60-17; The Ohio Oil Company (Operator), et. al., Docket No. G-20185; Amerada Petroleum Cor-

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

poration, Docket No. RI60-18; Mineral Resources, Inc., et al., Docket No. RI60-19; Jocelyn-Varn Oil Company (Operator), et al., Docket No. RI60-20;

Texaco Inc. (Operator), et al., Docket No. RI60-21.

The above-named respondents have tendered for filing proposed changes in

presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated	Date tendered	Effective date unless suspended	Rate suspended until	Cents per Mcf	
									Rate in effect	Proposed rate
RI60-16....	Barbara Oil Co.....	4	1	Clitics Service Gas Co. (Rhodes Field, Barber County, Kans.).	12-18-59	12-21-59	1-22-60	6-22-60	12.0	* 13.0
RI60-17....	Gulf Oil Corporation.....	60	5	Natural Gas Pipeline Co. of America (Carmick Southeast Field, Tex. County, Okla.).	Undated.	12-17-59	1-23-60	6-23-60	* 16.2	* 16.8
		71	7	Natural Gas Pipeline Co. of America (Carmick Southeast Field, Beaver County, Okla.).		12-17-59	1-23-60	6-23-60	* 16.4	* 16.8
G-20185....	The Ohio Oil Co. (Operator), et al.	16	1 to 6	United Gas Pipe Line Co. (Maxie and Pistol Ridge Fields, Forrest County, Miss.).	12-14-59	12-17-59	4-24-60	11 4-24-60	* 24.0	* 23.0
RI60-18....	Amerada Petroleum Corp.	14	15	Trunkline Gas Co. (Grand Lake Field, Cameron Parish, La.).	12-11-59	12-18-59	1-18-60	6-18-60	11.03683	* 12 23.5
RI60-19....	Mineral Resources, Inc., et al.	1	6	Tennessee Gas Transmission Co. (N.E. Starr County Field, Starr County, Tex.).	Undated.	12-18-59	1-18-60	6-18-60	12.12268	* 15.0952
		2	4							
RI60-20....	Jocelyn-Varn Oil Co. (Operator), et al.	6	1	West Lake Natural Gasoline Co., et al., (Nolan County, Tex.).	12-14-59	12-18-59	1-22-60	12 1-23-60	5.5	* 6.9918
RI60-21....	Texaco, Inc. (Operator), et al.	133	22	Natural Gas Pipeline Co. of America (Carmick S.E. Field, Tex. and Beaver Counties, Okla. and Blakemore Area Hansford County, Tex.).	Undated	12-18-59	1-23-60	6-23-60	14 15 16.6	* 14 16.8
									15 16 16.75936	* 15 16.96128

\* The stated effective dates are those requested by respondents, or the first day after expiration of statutory notice, whichever is later.

<sup>1</sup> Pressure Base 14.65 psia.

<sup>2</sup> Pressure Base 15.025 psia.

<sup>3</sup> Rate in effect subject to refund in Docket No. G-12956 (Supp. No. 3).

<sup>4</sup> Rate of 16.6 cents per Mcf suspended in Docket No. G-17798 (Supp. No. 4) until July 21, 1959, but was never put into effect.

<sup>5</sup> Rate in effect subject to refund in Docket No. G-14262 (Supp. No. 4).

<sup>6</sup> Rate of 16.6 cents per Mcf suspended in Docket No. G-17782 (Supp. No. 6) until July 21, 1959, but was never put into effect.

<sup>7</sup> Rate suspended in Docket No. G-20185 (Supp. No. 6) until April 24, 1960.

<sup>8</sup> Decrease in rate due to redetermination of rate.

<sup>9</sup> Or until such later date as Supplement No. 6 is made effective in Docket No. G-20185 in the manner prescribed by the Natural Gas Act.

<sup>10</sup> Includes 0.22493 cents per Mcf dehydration charge, deducted by buyer.

<sup>11</sup> Suspended one day from January 22, 1960, the proposed effective date, or one day from such later date as the related resale rate of West Lake Natural Gasoline Company is made effective in Docket No. G-19156 in the manner prescribed by the Natural Gas Act.

<sup>12</sup> Gas from production in Oklahoma.

<sup>13</sup> Rate suspended and in effect subject to refund in Docket No. G-17430 (Supp. No. 18).

<sup>14</sup> Rate includes 0.15936 cents per Mcf, reimbursement for the Texas occupation tax for gas from production in Texas.

Barbara Oil Company, in support of the proposed periodic rate increase, cites the contract provisions and states that such provisions constitute part of a valid arm's-length contract and that the increased price is just and reasonable. Barbara Oil Company further states that the required two-stage compression of its gas costs an estimated 2.0 cents per Mcf and the increased price is necessary to avoid premature abandonment of its compressor plant.

Gulf Oil Corporation (Gulf), in support of the proposed periodic rate increases, states that the renegotiated contract resulted from bargaining at arm's length. Gulf also cites cost of service exhibits it submitted in evidence in the consolidated proceedings in Docket No. G-9250, et al.

Ohio Oil Company (Operator), et al. (Ohio Oil) has submitted a proposed amendment decreasing from 24.0 cents to 23.0 cents per Mcf the rate proposed by its earlier submitted Supplement No. 6 to its FPC Gas Rate Schedule No. 16, covering the sale of gas to United Gas Pipe Line Company in the Maxie and Pistol Ridge Fields, Forrest County, Mississippi.

Amerada Petroleum Corporation, in support of the proposed favored-nation rate increase, cites the favored-nation clause and submits copies of Trunkline Gas Company's favored-nation letter establishing the 23.5 cents per Mcf rate.

Mineral Resources, Inc., et al., in support of the proposed redetermined rate increases, cites the contract provisions

and buyer's letter and states that the contracts were negotiated at arm's length in good faith, and that the increased price is the average of prices actually in effect and being received in the same area.

In support of the proposed favored-nation revenue-sharing type rate increase, Jocelyn-Varn Oil Company (Operator), et al., (Jocelyn-Varn) cites the contract provisions and West Lake's Natural Gasoline Company's (West Lake) related increased rate and states that its contract was negotiated at arm's length; that the proposed rate is in line with going contract prices in the area; and that suspension thereof would unjustly enrich West Lake at its expense. Jocelyn-Varn cites the suspension of West Lake's increased rate and asks similar treatment of its proposed rate increase.

Texaco Inc. (Operator), et al. (Texaco) in support of the proposed periodic rate increase states that all provisions of the contract were negotiated at arm's length including the provision for the increased price which is a firm contract price and which is necessary to partially compensate seller for continuously increasing costs of operation. Texaco also states that the increase will result in a just and reasonable price which is no more than necessary to encourage exploration and development. In addition, Texaco cites U.S. Bureau of Labor Statistics reports indicating increases in wages and wholesale prices.

The Commission finds:

(1) The rates and charges contained in the above-designated supplements may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in the aforesaid supplements; and that such supplements be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the aforementioned supplements is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column, plus footnote thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspen-

sion have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 or 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-666; Filed, Jan. 22, 1960;  
8:45 a.m.]

[Docket No. G-19725 etc.]

L. R. FRENCH, JR., ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates<sup>1</sup>

JANUARY 15, 1960.

In the matters of L. R. French, Jr. (Operator), et al., Docket No. G-19725; L. R. French, Jr., Docket No. G-19726; E. G. Rodman (Operator), et al., Docket No. G-19994; Rodman-Noel Oil Corporation, Docket No. G-19996; Rodman, Late

and Noel, Docket No. G-19952; Sinclair Oil & Gas Company, Docket No. G-19723; Sinclair Oil & Gas Company, et al., Docket No. G-19724.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The present filings supersede the previously suspended supplements which were filed in the above dockets. The superseded supplements are thus rendered moot.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Rate suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
G-19725...	L. R. French, Jr. (Operator), et al.	1	3	El Paso Natural Gas Company, Spraberry Area Field, Reagan County, Tex.	12-15-59	12-17-59	1-17-60	6-17-60	11.0	17.2295	G-14685
G-19726...	L. R. French, Jr. ....	5	3	El Paso Natural Gas Company, Spraberry Area Field, Reagan County, Tex.	12-14-59	12-17-59	1-17-60	6-17-60	11.0	17.2295	-----
G-19994...	E. G. Rodman (Operator), et al.	1	8	El Paso Natural Gas Company, Jal Mat and Drinkard Field, Lea County, N. Mex.	12-17-59	12-21-59	1-21-60	6-21-60	10.5	15.5599	G-14670
G-19996...	Rodman-Noel Oil Corp.	1	8	El Paso Natural Gas Company, Sweetie Peck Field, Midland County, Tex.	12-18-59	12-21-59	1-21-60	6-21-60	11.0	17.2295	-----
G-19952...	Rodman, Late and Noel.	1	5	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	12-17-59	12-21-59	1-21-60	6-21-60	11.0	17.2295	G-14034
G-19723...	Sinclair Oil & Gas Co.	83	3	El Paso Natural Gas Company, Langley-Mattix Field, Lea County, N. Mex.	12-15-59	12-21-59	1-21-60	6-21-60	10.5	15.55987	G-13981
G-19723...	Sinclair Oil & Gas Co.	145	3	El Paso Natural Gas Co., Keystone Ellenberger Field, Winkler County, Tex.	12-15-59	12-21-59	1-21-60	6-21-60	10.5	15.70825	G-15030
G-19723...	Sinclair Oil & Gas Co.	170	2	El Paso Natural Gas Company, Tubbs & Blinberry Fields, Lea County, N. Mex.	12-15-59	12-21-59	1-21-60	6-21-60	10.5	15.55987	-----
G-19724...	Sinclair Oil & Gas Co., et al.	65	6	El Paso Natural Gas Co., Langley-Mattix Field, Lea County, N. Mex.	12-15-59	12-21-59	1-21-60	6-21-60	10.5	15.55239	G-15172
G-19724...	Sinclair Oil & Gas Co., et al.	71	3	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	12-15-59	12-21-59	1-21-60	6-21-60	10.5	15.55987	G-14105
G-19723...	Sinclair Oil & Gas Co.	8	18	El Paso Natural Gas Co., Eunice Field, Lea County, N. Mex.	12-15-59	12-21-59	1-29-60	6-21-60	10.5 {	15.55987 15.55239	G-13981

<sup>1</sup> The stated effective dates are those requests by Respondents, or the first day after expiration of the required statutory notice, whichever is later.  
<sup>2</sup> Pressure Base, 14.65 psia.

In support of the substituted proposed increased rates, the respondents state the following:

L. R. French, Jr. (Operator), et al., E. G. Rodman (Operator), et al., Rodman-Noel Oil Corporation, and Rodman, Late & Noel state that by deleting the favored-nation provision of the contract, they have relinquished a contractual right of immeasurable value since pre-determination of the market value of a product after a lapse of several years is a virtual impossibility. Without this clause the continued inflation in the American economy could reduce any filed contractual values disproportionately to the going market price as well as increase their cost of operation and diminish profits.

Sinclair Oil & Gas Company states that by elimination of the favored-nation clause and extending the term of the basic agreement, gas prices in the Permian Basin area will be stabilized and the best interest of the public in general will be served and that the revised price is not out of line with other rates in recently negotiated contracts in the area which have been accepted by the Commission without condition.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to

aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increase rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above rate schedules as supplemented, are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column; each of the aforementioned supplements shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Respondents are hereby granted permission to file these changes to their respective currently effective rates as

<sup>3</sup> This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

substitutes for the previously suspended supplements filed in these dockets which are thus rendered moot.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-667; Filed, Jan. 22, 1960;  
8:45 a.m.]

[Docket No. RI 60-24 etc.]

E. B. McFARLIN ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates<sup>1</sup>

JANUARY 15, 1960.

In the matters of E. B. McFarlin and E. P. Ketchum, Docket No. RI 60-24; Texas Gulf Producing Company (Operator), et al., Docket No. RI 60-25; Texas Gulf Producing Company, Docket No. RI 60-26; Cabot Carbon Company,

Docket No. RI 60-27; Monterey Oil Company (Operator), et al., Docket No. RI 60-28; Sunray Mid-Continent Oil Company, Docket No. RI 60-29; West Lake Natural Gasoline Company (Oper-

ator), et al., Docket No. RI 60-30; Sinclair Oil & Gas Company, Docket No. RI 60-31.

The above-named Respondents have tendered for filing proposed changes in

presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Rate suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI60-24...	E. B. McFarlin and E. P. Ketchum.	1	10	El Paso Natural Gas Co., Clara Couch Field, Crockett County, Tex.	12-7-59	12-18-59	1-18-60	6-18-60	11.03468	15.6488	G-13161
RI60-25...	Texas Gulf Producing Co. (Operator), et al.	12	7	El Paso Natural Gas Company, Headlee Field, Midland and Ector Counties, Tex.	12-15-59	12-18-59	1-18-60	6-18-60	14.0507	17.1147	G-16537
RI60-26...	Texas Gulf Producing Co.	27	2	El Paso Natural Gas Co., Wemac Field, Andrews County, Tex.	12-15-59	12-18-59	1-18-60	6-18-60	8.1080	13.68225	
RI60-27...	Cabot Carbon Co.....	9	5	El Paso Natural Gas Company, Denton Field, Lea County, N. Mex.	12-14-59	12-21-59	1-21-60	6-21-60	13.9836	17.0	G-18842
RI60-27...	Cabot Carbon Co.....	27	2	El Paso Natural Gas Co., King Plant, Lea County, N. Mex.	12-16-59	12-21-59	1-21-60	6-21-60	13.9836	17.0	G-18844
RI60-28...	Monterey Oil Co. (Operator), et al.	8	7	El Paso Natural Gas Co. Snyder Gasoline Plant, Scurry County, Tex.	12-18-59	12-21-59	1-21-60	6-21-60	12.2487	16.1046	G-17790
RI60-29...	Sunray Mid-Continent Oil Co.	62	7	El Paso Natural Gas Co., Jal Field, Lea County, N. Mex.	12-17-59	12-21-59	1-21-60	6-21-60	9.5	15.5155	-----
RI60-30...	West-Lake Natural Gasoline Co. (Operator), et al.	1	4	El Paso Natural Gas Co., Lake Trammel Plant, Nolan County, Tex.	12-18-59	12-21-59	1-23-60	6-23-60	13.9836	17.2295	G-19156
RI60-31...	Sinclair Oil & Gas Co..	168	1	El Paso Natural Gas Co., Plant No. 29, Lea County, N. Mex.	12-15-59	12-21-59	1-21-60	6-21-60	11.0	17.0	-----
RI60-31...	Sinclair Oil & Gas Co..	7	9	El Paso Natural Gas Co., Spraberry Field, Glasscock, Upton, Midland and Reagan Counties, Tex.	12-15-59	12-21-59	1-21-60	6-21-60	14.11781	17.2295 17.20081	G-18534
RI60-31...	Sinclair Oil & Gas Co..	174	3	El Paso Natural Gas Co., Sweetie Peck Field, Midland County, Tex.	12-15-59	12-21-59	1-21-60	6-21-60	14.08565	17.18428	G-18326
RI60-31...	Sinclair Oil & Gas Co..	92	5	El Paso Natural Gas Co., Emma and Fuhrman-Mascho Fields, Andrews County, Tex.	12-15-59	12-21-59	1-21-60	6-21-60	10.2900 10.30716	13.65947 13.68225	G-16534
RI60-31...	Sinclair Oil & Gas Co..	28	4	El Paso Natural Gas Co., Denton Field Plant, Lea County, N. Mex.	12-15-59	12-21-59	1-21-60	6-21-60	13.98357	17.0	G-16534

\* The stated effective dates are those requested by Respondent, or the first day after expiration of the required statutory notice, whichever is later.

\* Pressure Base, 14.65 psia.

In support of the proposed increased rates to respondents state the following:

E. B. McFarlin and E. P. Ketchum state that the rate increase is in the public interest for it simplifies the price structure, makes available natural gas at definite prices and saves time and effort by the Commission and its staff. The increased rate is reasonable and less than the going rate for gas in the area. It will only in part offset their increased cost of operations, drilling, equipping gas wells and attempts to find new reserves.

Texas Gulf Producing Company (Operator), et al., states that the increased rate will assist their purchaser in stabilizing prices in the Permian Basin area and they, by eliminating the favored-nation clause of the contract, forfeit a valuable contract right.

Cabot Carbon Company states that the increased rate will help stabilize gas purchase prices in the Permian Basin area, assure the purchaser and its customers of a continuous supply of gas and enable the seller to diligently and continuously undertake to renew existing casinghead gas contracts and obtain new contracts for supply of gas to the Denton Plant. Deletion of favored-nation clause from the contract, that the Commission has heretofore held is in the public interest, would enable the Commission to concentrate its efforts on more important rate cases and other matters having possibly more serious consequences for the public and the consumer.

Monterey Oil Company (Operator), et al., states that the increased rate will cancel the favored-nation clause of the contract and extend its terms for fifteen years thereby enabling the purchaser to stabilize its gas purchase prices and

secure additional reserves of gas. The contract as amended is essentially a new contract and is in line with the new contracts recently approved by the Commission in certificate proceedings.

Sunray Mid-Continent Oil Company states that the price increase provides for the deletion of the favored-nation clause of the contract and extends its term, thereby conforming with purchaser's other contracts in the Permian Basin area.

West Lake Natural Gasoline Company (Operator), et al., states that the increased rate by providing for deletion of favored-nation clause from the basic contract and extending the contract term will afford El Paso with a definite commitment of residue gas for an extended period of time at rates that will be definite and predictable. The increased rate is in line with going rates in the area and will enable the seller to collect more equitable compensation for the services rendered and be able to attract new supplies of casinghead gas.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18

CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the aforementioned supplements is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-668; Filed, Jan. 22, 1960; 8:45 a.m.]

## DEPARTMENT OF JUSTICE

Immigration and Naturalization  
Service

### STATEMENT OF ORGANIZATION

#### Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, the following amendments

to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

Subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended in the following respects:

1. District No. 3 is amended to read as follows:

DISTRICT NO. 3—NEW YORK, N.Y.

*Class A*

New York, N.Y. (the port of New York includes, among others, the port facilities at Bayonne, Carteret, Elizabeth, Guttenberg, Hoboken, Jersey City, Linden, Newark, Perth Amboy, Port Newark, Sewaren, and Weehawken, N.J.; and at Poughkeepsie and Yonkers, N.Y.)

2. The list of Class C ports of entry of District 7—Buffalo, N.Y., is amended to read as follows:

*Class C*

Albany, N.Y.  
Sodus Point, N.Y.

Dated: January 19, 1960.

J. M. SWING,  
Commissioner of

Immigration and Naturalization.

[F.R. Doc. 60-696; Filed, Jan. 22, 1960;  
8:50 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1725]

### MINALASKA, INC.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 19, 1960.

I. Minalaska, Inc. (issuer), an Alaska corporation, Ophir, Alaska, filed with the Commission on December 21, 1959 a notification on Form 1-A and an offering circular relating to an issue of 200,000 shares of \$1.10 par value common stock to be offered at \$1.50 per share for an aggregate offering price of \$300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The exemption under Regulation A is unavailable in that:

1. The proposed offering of 200,000 shares to be sold at \$1.50 a share and the 351,000 shares issued and sold prior to the filing (not escrowed in accordance with Rule 253) exceed the maximum amount of \$300,000 permitted under section 3(b) of the Securities Act of 1933 and Rule 254 of Regulation A.

B. The offering circular and other material filed therewith contain untrue statements of material facts and omit to

state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to state the percentage of outstanding securities of the issuer held and the amount of cash paid therefor by directors, officers and promoters as a group.

2. The financial statements which set forth that the company is without liabilities when the company has liabilities in excess of \$100,000.

3. Statements concerning the acquisition of property and equipment from Ganes Mining Company indicate that it will be acquired upon the payment of \$45,064.86, when in fact most or all of the property is being purchased from others for \$120,000, of which only a nominal amount has been paid.

4. The failure to adequately disclose the nature and extent of the minerals and ores on the issuer's properties.

5. The failure to adequately disclose the exploration and development work performed on the issuer's properties and the results thereof.

6. The failure to adequately disclose the type and nature of the operations to be conducted on the company's properties.

7. The failure to disclose the results of prior operations and available reports on the issuer's properties.

8. The failure to set forth adequate financial statements properly reflecting the issuer's financial condition.

9. The failure to disclose that there is no market for the issuer's stock and that the offering price of the stock is an arbitrary figure.

10. The failure to adequately disclose that the greater part of the funds to be raised are to be used to pay costs of the offering and to repay obligations already incurred.

11. The failure to disclose the terms and conditions of the forfeiture provisions contained in the purchase agreement for the dredge, claims, and other equipment and property.

12. The failure to disclose that the underwriting costs are in excess of those customarily charged in connection with the type of offering involved.

13. The failure to disclose that the price of the securities may be stabilized.

14. The failure to disclose the nature and extent of the various relationships between the issuer and Minarco Explorations, Inc., Ganes Mining Company, and Innoko Dredging Company.

15. The failure to adequately disclose the dilution of the value of the stock to be purchased by investors because of large amounts of stock issued or to be issued to promoters, associates, and underwriters for assets of questionable value and for prices substantially less than the offering price.

C. The terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1-A fails to set forth adequately the information required by Item 2(a) as to the issuer's predecessors and the information re-

quired by Item 2(b) as to the issuer's affiliates.

2. The notification on Form 1-A fails to furnish as exhibits under Item 11(a) copies of the provisions of governing instruments defining the rights of holders of the securities being offered.

3. The offering circular fails to furnish as required by Item 11(a) of Schedule I of Form 1-A, appropriate financial statements of the issuer's predecessor.

D. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 60-698; Filed, Jan. 22, 1960;  
8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

Office of the Secretary

A. PAT JONES

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of January 15, 1960.

Dated: January 18, 1960.

A. PAT JONES.

[F.R. Doc. 60-693; Filed, Jan. 22, 1960;  
8:50 a.m.]

JOSEPH F. SINNOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of January 18, 1960.

Dated: January 18, 1960.

JOSEPH F. SINNOTT.

[F.R. Doc. 60-694; Filed, Jan. 22, 1960; 8:50 a.m.]

[Order No. 2508, Amdt. 32]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority With Respect to Forestry

Correction

In F.R. Doc. 60-381, appearing at page 361 of the issue for Friday, January 15, 1960, the word "either" in the fourth line of paragraph (e) should read "other".

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 20, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35964: *Coal from southern mines to Lockair, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3894), for interested rail carriers. Rates on coal, in carloads, as described in the application from Alabama, southeastern Kentucky, eastern and southern Tennessee, and southwest Virginia mines to Lockair, Ga.

Grounds for relief: Competition with other fuels.

Tariffs: Supplement 13 to Southern Freight Association tariff I.C.C. S-62 and other schedules named in the application.

FSA No. 35965: *Soda ash from Baton Rouge and North Baton Rouge, La., to Knoxville, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3895), for interested rail carriers. Rates on soda ash, in bulk, in carloads from Baton Rouge and North Baton Rouge, La., to Knoxville, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 126 to Southern Freight Association tariff I.C.C. 1526.

FSA No. 35966: *Liquid caustic soda from Louisiana points to Rome, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3896), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Baton Rouge, North Baton Rouge, and Geismar, La., to Rome, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 126 to Southern Freight Association tariff I.C.C. 1526.

FSA No. 35967: *Substituted service—CBI&P for Bos Lines, Inc., and Middle-west Freightways, Inc.* Filed by Middle-west Motor Freight Bureau, Agent (No. 213), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., and Des Moines, Iowa, and between St. Louis, Mo., and Kansas City (Armourdale), Kans., on traffic originating at or destined to points in the territories described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 122 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35968: *Pulpwood—ACL stations in Alabama and Georgia to points in Alabama and Florida.* Filed by Atlantic Coast Line Railroad Company (No. 207), for itself. Rates on pulpwood, in carloads from stations on the Atlantic Coast Line Railroad Company in Alabama and Georgia to Foley, Fla., also to Dothan, Ala., on traffic destined to Panama City, Fla., and to Chattahoochee, Fla., on traffic destined to Port St. Joe, Fla.

Grounds for relief: Abandonment of a portion of the line of the ACL between Fitzgerald and Kingwood, Ga., under Finance Docket 20097.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 60-700; Filed, Jan. 22, 1960; 8:51 a.m.]

[Notice 253]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 20, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62498. By order of January 18, 1960, the Transfer Board ap-

proved the transfer to Thomas Aberle, doing business as Aberle Truck Line, Napoleon, N. Dak., of Certificate in Nos. MC 108908, and MC 108908 Sub 1, issued December 20, 1949, and December 11, 1952, respectively, to Vance E. Kroeber, doing business as Kroeber Truck Line, Napoleon, N. Dak., authorizing the transportation of: Livestock, heavy farm machinery, emigrant movables, household goods, used farm machinery, agricultural implements and machinery and parts thereof, and general commodities, except class A and B explosives, household goods, and commodities requiring special equipment, from, to, or between specified points in Minnesota and South Dakota.

No. MC-FC 62787. By order of January 18, 1960, the Transfer Board approved the transfer to DCM Trucking, Inc., Paterson, New Jersey, of Permit in No. MC 111982, issued August 27, 1951, to Finishers Delivery Service, Inc., Hoboken, New Jersey, authorizing the transportation of: Textiles, over irregular routes, between New York, N.Y., and Paterson, N.J. Haskell Wolf, Attorney, 401 Broadway, New York 13, N.Y., for applicants.

No. MC-FC 62822. By order of January 18, 1960, the Transfer Board approved the transfer to Brooks Bus Line, Inc., 220 South Fifth Street, Paducah, Ky., of Certificate in No. MC 94818, issued July 2, 1959, to J. Polk Brooks, doing business as Brooks Bus Line, 220 South 5th Street, Paducah, Ky., authorizing the transportation of: Passengers, and their baggage, express, and mail in the same vehicle with passengers, between specified points in Kentucky, Illinois, Indiana, and Michigan.

No. MC-FC 62833. By order of January 18, 1960, the Transfer Board approved the transfer to Joseph August and Jacob August, a partnership, doing business as Atlas Van and Moving Company, New York, N.Y., of Corrected Certificate in No. MC 42118, issued April 11, 1947, to Max August, Joseph August and Jacob August, a partnership, doing business as Atlas Van and Moving Co., New York, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., on the one hand, and, on the other, points in Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. David Brodsky, 1776 Broadway, New York 19, N.Y., for applicants.

No. MC-FC 62875. By order of January 18, 1960, the Transfer Board approved the transfer to T. Del Farno Trucking Co., A Corporation, North Providence, Rhode Island, of a Certificate in No. MC 96165, issued May 16, 1941, to Thomas Del Farno, and a Certificate in No. MC 96165 Sub 3, issued August 1, 1958, to Thomas Del Farno, North Providence, Rhode Island, authorizing the transportation of granite, marble, and limestone, from Providence, R.I., to points in a described area of New York and Rhode Island, unfinished granite stone, in bulk, in dump trucks or dump semitrailers, from Uxbridge, Mass., to points in Connecticut, Rhode Island, Maine, New Hampshire, Vermont, and New York, cinder blocks, from Provi-

dence and North Providence, R.I., to points in Connecticut, Massachusetts, and Rhode Island, and monuments and cast stone, from Providence and North Providence, R.I., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont and New York, and the substitution of transferee for transferor in proceedings Nos. MC 96165 Sub 6, and MC 96165 Sub 7. Russell B. Curnett, 49 Weybosset Street, Providence, R.I., for applicants.

No. MC-FC 62846. By order of January 18, 1960, the Transfer Board approved the transfer to Frank G. Masek, doing business as M & S Movers, Packers, Storage, New York, N.Y., of the operating rights in Certificate No. MC 71802, issued April 9, 1943, to Frank Masek, doing business as M & S Packers, Movers and Shippers, New York, New York, authorizing the transportation, over irregular routes, of household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New York, and New Jersey. David Brodsky, Brodsky and Lieberman, 1776 Broadway, New York 19, N.Y., for applicants.

No. MC-FC 62861. By order of January 18, 1960, the Transfer Board approved the transfer to Tim's Motor Service, Inc., Chicago, Ill., of Certificate No. MC 52535, issued December 9, 1940, to Timothy Stolar, doing business as Tim's Motor Service, Chicago, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Chicago, Ill., and Waukegan, Libertyville, and Barrington, Ill., over designated regular routes, serving all intermediate points; and the off-route points of Northfield, North Brook, Techny, Prairie View, and Lake Zurich, Ill. Alfred L. Roth, 188 West Randolph Street, Chicago, Ill., for applicants.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-701; Filed, Jan. 22, 1960;  
8:51 a.m.]

[No. 33285]

## IDAHO INTRASTATE FREIGHT RATES AND CHARGES

### Notice of Investigation and Hearing

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 13th day of January A.D. 1960.

It appearing, that in Ex Parte No. 212, Increased Freight Rates, 1958, 302 I.C.C. 665; 304 I.C.C. 289, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing, that a petition, dated November 25, 1959, has been filed on behalf of the Camas Prairie Railroad Company and other common carriers by railroad operating to, from and between points in the State of Idaho, averring

that the Idaho Public Utilities Commission has failed to authorize or permit petitioners to increase their freight rates on intrastate traffic corresponding to those authorized for interstate traffic in Ex Parte No. 212, supra; and alleging that such refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate commerce in violation of section 13 of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Idaho; and that the Idaho Public Utilities Commission on December 21, 1959, filed a reply to the petition which has been considered:

*It is ordered*, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating within the State of Idaho, for the intrastate transportation of property, made or imposed by authority of the State of Idaho, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by the Commission for interstate traffic in Ex Parte No. 212, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and persons or localities in interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist;

*It is further ordered*, That all common carriers by railroad operating within the State of Idaho, which are subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Idaho be notified of the proceeding by sending copies of this order and of said petition by certified mail to the Governor of the said State and to the Idaho Public Utilities Commission at Boise, Idaho;

*It is further ordered*, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D.C., for public inspection, and by filing a copy with the Federal Register Division, Washington, D.C.;

*And it is further ordered*, That this proceeding be assigned for hearing at

such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-702; Filed, Jan. 22, 1960;  
8:51 a.m.]

[No. 33286]

## UNION PACIFIC RAILROAD CO.

### Petition for Declaratory Order; Order Directing Modified Procedure

It appearing, that by petition dated November 9, 1959, the Union Pacific Railroad Company seeks an administrative determination of the applicable rates on corn products from origins in Illinois to Chicago, there stored in transit pending reshipment to Kansas City, Missouri; that such petition was filed pursuant to an order of the District Court for the Northern District of Illinois—Eastern Division; and for good cause:

*It is ordered*, That the said petition be, and it is hereby, docketed with the number and title set forth above.

*It is further ordered*, That this proceeding be handled under modified procedure; that petitioner and any interested person subsequently permitted to intervene herein comply with §§ 1.45 to 1.54, inclusive, of the Commission's general rules of practice, the filing and service of pleadings to be as follows: (a) Not later than February 15, 1960; opening statement of facts and argument by any party supporting an affirmative answer to the legal question above stated; (b) 30 days thereafter statement of facts and argument by any party supporting a negative answer to the said legal question, or taking a neutral position with respect thereto; and (c) 10 days thereafter reply by party described in (a).

*It is further ordered*, That any pleadings filed responsive to this order shall be served upon all parties subsequently permitted to intervene herein, and also upon—

Mr. John J. Burchell, Attorney, Union Pacific Railroad Co., 1416 Dodge Street, Omaha 2, Nebr.,

from whom a copy of the said petition may be obtained.

*It is further ordered*, That the above-entitled matter be, and it is hereby, referred to Examiner J. F. Wright for appropriate proceedings, and for the recommendation of an appropriate order thereon accompanied by the reasons therefor.

*And it is further ordered*, That a copy of this order be filed with Director, Division of the Federal Register.

Dated at Washington, D.C., this 13th day of January A.D. 1960.

By the Commission, Chairman Winchell.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-703; Filed, Jan. 22, 1960;  
8:51 a.m.]

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